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CHEBOYGAN COUNTY

ZONING ORDINANCE

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CHEBOYGAN COUNTY
ZONING ORDINANCE

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THE CHEBOYGAN COUNTY ZONING ORDINANCE

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CHEBOYGAN COUNTY ZONING ORDINANCE NUMBER

ADOPTED _____

EFFECTIVE _____

TITLE

An ordinance enacted pursuant to the authority contained in Act 183 of the Public Acts of Michigan for 1943, as amended. Such enabling act is hereby made a part of this ordinance just as if said act were repeated word for word herein. This ordinance is for the establishment of zoning districts in the unincorporated portions of Cheboygan County, within which districts the use of land for agriculture, forestry, recreation, residence, industry, trade, soil and water conservation and additional uses of land may be encouraged, regulated or prohibited; for the adoption for such districts of provisions designating or limiting the location, height, number of stories and size of dwellings, buildings and structures, including tents, trailer coaches and mobile homes which may hereafter be installed, erected or altered; for the regulation of the area of yards, courts and other open spaces and the sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures, including tents, trailer coaches and mobile homes; for the designation of the maximum number of families which may be housed in buildings, dwellings and structures, including tents, trailer coaches and mobile homes, to establish a zoning board of appeals, to grant authority to said board in addition to that expressly provided in said Public Act 183; to provide standards to guide actions and decisions of said board; to provide for the enforcement of the provisions of this ordinance and penalties and other relief for the violation of this ordinance; and to provide for the amendment thereof and the repeal of all ordinances or parts of ordinances in conflict therewith.

ENACTING CLAUSE

The County of Cheboygan, State of Michigan ordains:

ARTICLE 1 SHORT TITLE AND PURPOSE

SECTION 1.1 SHORT TITLE This Ordinance shall be known and may be cited as the Cheboygan County Zoning Ordinance.

SECTION 1.2 PURPOSE The purpose of this Ordinance is to promote and safeguard the public health, safety, morals and general welfare of the people of the unincorporated portions of Cheboygan County. The provisions herein are intended to encourage the use of lands, waters and other natural resources as they pertain to the social, physical and economic well being of the county, to limit the improper use of land and natural resources, to reduce hazards to life and property, to provide for orderly development within the county, to avoid overcrowding of land and water resources, to provide for adequate light, air and health conditions in dwellings and buildings hereafter installed, erected or altered, to lessen congestion on the public roads and streets, to protect and conserve natural recreational areas, agricultural, residential and other areas suited to particular uses, to facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation and other public facilities, to conserve the expenditure of monies for public improvements and services to conform with the most advantageous uses of land, resources and properties, and to be one means of implementing the policies, goals and objectives as set forth in the Cheboygan County Comprehensive Plan.

SECTION 1.3 REPEAL OF PRIOR ORDINANCE Zoning Ordinance No. 100 and all amendments thereto previously adopted by Cheboygan County are hereby repealed. The repeal of Ordinance No. 100 and its amendments does not affect or impair any act, violation or offense committed, or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time this Ordinance No. became effective and was enforced, prosecuted or inflicted.

SECTION 1.4 INTERPRETATION In the interpretation and application, the provisions of this ordinance shall be held to be the minimum requirement adopted for the promotion of the public health, safety, morals, comfort, convenience or general welfare. Where this ordinance imposes a greater restriction than is required by prior ordinance or by rules, regulations or permits, the provisions of this ordinance shall control. Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

SECTION 1.5 SEVERABILITY This ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged

unconstitutional or invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

SECTION 1.6 RIGHTS AND REMEDIES The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

SECTION 1.7 GENERAL RESPONSIBILITY The County Board of Commissioners or its duly authorized representative is hereby charged with the duty of enforcing this ordinance, and said board is hereby empowered to begin and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court or any other court having jurisdiction to restrain and/or prevent any non-compliance with, or violation of any of the provisions of this ordinance, and to correct, remedy and/or abate such non-compliance or violation. And, it is further provided that any person aggrieved or adversely affected by such non-compliance or violation may institute suit and/or join the County Board of Commissioners in such a suit to abate the same.

ARTICLE 2. DEFINITIONS

SECTION 2.1. GENERAL

2.1.1. In case of a difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.

2.1.2. The particular shall control the general.

2.1.3. Words used in the present tense shall include the future and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

2.1.4. A "building" or "structure" includes any part thereof.

2.1.5. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".

2.1.6. The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.

2.1.7. The word "lot" includes the word "plot", "tract", or "parcel".

2.1.8. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 2.2. DEFINITIONS OF SPECIFIC TERMS WHEN USED IN THIS ORDINANCE.

ABANDONMENT

The cessation of activity in, or use of a dwelling, structure, or lot, other than that which would normally occur on a seasonal basis, for a period of six months or longer.

ABUTTING

Having property or district lines in common, e.g., two lots are abutting if they have property lines in common.

ACCESS

A way of approaching or entering a property. For the purposes of this ordinance, all lots of record shall have access to a public street or highway or to a permanent unobstructed access easement of record to a public road.

ACCESSORY BUILDING

A building or a portion of a building subordinate to and on the same lot as the main building and occupied by or devoted exclusively to uses which are incidental or secondary to that of the main building, but such use shall not include residential or living quarters for human beings.

ACCESSORY USE

A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the building or land.

AGRICULTURE

The use of land for tilling of the soil, raising of tree or field crops, animal husbandry, includes horticulture and floraculture.

APARTMENT HOUSE

A building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more dwelling units, and with yards, compounds, services or utilities in common.

AIR RIGHT

The right to the space above a property, for development.

ALLEY

A public right-of-way, not more than 30 feet in width affording a secondary means of access to abutting property but not intended for general traffic circulation.

ALTERATION

Any change, addition or modification in use or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed".

AQUIFER

A stratum or zone below the surface of the earth in bedrock or unconsolidated material which is capable of providing water for wells or springs.

AQUIFER RECHARGE AREA

An area overlying or adjacent to an aquifer through which ground water percolates and contributes to recharge of the system.

ATTACHED

Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to same.

BASEMENT

That portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five feet, such basement shall be rated as a first story.

BILLBOARDS

A billboard shall mean any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign, which advertising sign does not pertain to the premises, or to the use of premises on which the billboard is located, or to goods sold or services rendered, or activities conducted on such premises.

BLUFFLINE

The line which is the edge or crest of the elevated segment of the shoreline above the beach which normally has a precipitous front inclining steeply on the lakeward side.

BOARDINGHOUSE

A dwelling where lodging or meals or both are provided for compensation to three or more individuals.

BOAT LIVERY

Any premise on which boats or floats of any kind are kept for the purpose of renting, leasing, or providing use thereof to persons other than the owners for a charge or fee.

BOARD OF APPEALS

As used in this ordinance, this term means the Cheboygan County Board of Appeals.

BORROW PIT

An excavated area where material has been removed for use as fill at another location.

BUFFER

A designated area within a land use district and along the perimeter (or one or more of the edges) of a particular land use area, where all land use is regulated so as to screen that use and/or protect it. In most cases a buffer will be in the form of a well vegetated or landscaped strip of land that acts to ensure that a development activity fits harmoniously into an existing natural environment.

BUILDING AREA

The space remaining on a lot or lots of record after the minimum setback and open space requirements have been complied with.

BUILDING

A structure erected onsite, a mobile home or mobile structure, a premanufactured or precut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

BUILDING HEIGHT

The vertical distance from the established grade of a building to the following roof lines: a) flat roof - to the highest point; b) mansard roof - to the deck; c) gable, hip, and gambrel roofs - to the mean height between eaves and ridge. The average ground level at the wall line, in the case of sloping terrain, will be used for measuring height.

BUILDING LINE

A line parallel to the front lot line at the minimum required front setback line.

BUILDING PERMIT

The written authority issued by the Zoning Administrator or his agent of the County permitting the construction, removal, moving, alterations or use of a building in conformity with the provisions of this Ordinance.

BUILDING, PRINCIPAL, OR MAIN

A building in which is conducted the principal use of the premise on which it is situated.

CABIN

Any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes.

CERTIFICATION OF COMPLETION

A signed written statement by the Zoning Administrator or Building Inspector that specific construction has been inspected and found to comply with this zoning ordinance and all grading plans and specifications.

CLUB

A non-profit organization of persons for special purposes or for the conducting of social, athletic, scientific, artistic, political, or other similar endeavors.

COMMERCIAL

A term relating to the use of property in connection with the purchase, sale, or trading of goods or personal services or maintenance of service offices or recreation or amusement enterprise or garage/basement/porch sales lasting more than 14 days during any twelve month period.

CONVALESCENT OR NURSING HOME

A home, qualified for license under applicable Michigan Law, for the care of children, aged, or infirm and providing facilities for four or more patients.

COUNTY

Where used in this Ordinance shall mean County of Cheboygan, State of Michigan.

CRITICAL AREA

Land significantly or seriously affected by development.

DEBRIS BASIN

A barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel, silt, or other material.

DENSITY

The intensity of development in any given area, measured in this ordinance by the number of dwelling units per acre.

DEVELOPMENT

The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

DISTRICT

A portion of the County in which certain building and activities are permitted and in which, certain regulations, in accordance with the ordinance, are applicable.

DIVERSION

A channel with or without a supporting ridge on the lower side constructed across or at the bottom of a slope.

DRIVE-IN

A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking space for motor vehicle rather than within a building or structure.

DWELLING

Any house, building, structure, or portion thereof which is occupied in whole, or in part, as a home, residence, living or sleeping place for one or more human beings, either permanently or as transients. In no case shall a small trailer, automobile chassis, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

DWELLING: APARTMENT

A building divided into separate living quarters, each having at a minimum, its own sleeping and living facilities. All apartments must conform to regulations applicable to dwelling units in this ordinance.

DWELLING: CONDOMINIUM

An apartment building or multiple unit single-family dwelling in which each tenant holds full title to his unit and joint ownership in the common grounds.

DWELLING: TWO-FAMILY (DUPLEX)

A building designed to house two (2) dwelling units and occupied exclusively by two (2) families. (See family)

DWELLING: MULTIPLE

A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other and independently doing their own cooking in said building. This definition includes three-family houses, four-family houses, and apartment houses, but does not include trailer camps or mobile home parks.

DWELLING: MULTIPLE-FAMILY

A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in this ordinance.

DWELLING: PATIO HOUSE

A single-family detached or semi-detached dwelling unit, surrounded by walls for privacy.

DWELLING: SINGLE-FAMILY

A building containing not more than one dwelling unit designed for residential use, complying with the standards of this ordinance.

DWELLING: TOWN HOUSE

A single-family attached dwelling with units sharing common side walls and usually situated in a straight line with each other.

DWELLING: TWO-FAMILY

A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in this ordinance.

DWELLING UNIT

A building or portion of a building which has sleeping, eating, and sanitary facilities and can accommodate one family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, or other such portable structure be considered a dwelling unit.

EARTH CHANGE

A man-made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state.

EMBANKMENT OR FILL

A man-made deposit of rock, soil, or other materials.

ERECTED

As used in this ordinance, "erected" signified the construction, alteration, reconstruction, placement upon, or any physical alteration to a piece of land, including the excavating, moving, and filling of earth.

EROSION

The detachment and movement of soil from the land surface by wind or water.

ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance by public utilities or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles and other similar equipment, and applicable accessories reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety, and welfare, but not including buildings other than those which are primarily enclosures or shelters for essential services equipment.

EXCAVATION

The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

EXISTING BUILDING

An existing building is a building existing in whole or whose foundations are complete and whose construction is being diligently prosecuted on the date of this ordinance.

EXISTING GRADE

The vertical location of the existing ground surface prior to cutting or filling.

FAMILY

A person or persons living in one dwelling unit and related by blood, marriage, or legal adoption and comprising a single-housekeeping unit.

FARM

All of the contiguous neighboring or associated lands operated as a single entity under which bona-fide farming takes place directly by an owner/operator, manager, or tenant farmer, by his or her own labor, or with the assistance of household members or hired employees. Farms may be considered as including establishments that operate bona-fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries, as well as the growing, harvesting or cultivating of cash crops. Establishments keeping or raising fur-bearing animals, private stables, commercial dog kennels, game fish hatcheries, piggeries, or stockyards may be considered farms only if attached to bona-fide farming operations on the same continuous track of land.

FARM BUILDINGS

Any building or structure, other than a dwelling unit, built, or placed upon land within a bona-fide farm and considered essential and standard to the carrying on of farm operations.

FEED LOT

Any tract of land or structure wherein any type of fowl, or the byproducts thereof, are raised for retail or wholesale trade, or wherein cattle, horses, sheep, goats or swine are kept, for the purpose of fattening such livestock for final shipment to market, or where swine are kept under any conditions.

FENCE

A permanent or temporary partition or structure erected as a divider, barrier, or enclosure and not part of a structure requiring a building permit.

FILLING

The depositing or dumping of any matter onto, or into, the ground (except for common household gardening and ground care) which alters the topography of the land.

FILLING STATION

A building used or designed for the retail sale and underground storage of automobile fuel, lubricants, and other automotive commodities, or for aircraft or watercraft operations, including the customary space and facilities allocated for installation of such commodities.

FINISHED GRADE

The final grade or elevation of the ground surface conforming to the proposed design.

FLOOD PLAIN

The relatively flat area or low lands adjoining the channel of watercourse or a body of standing water, which has been or may be covered by floodwater. Determination of a flood plain is:

- a) Contiguous areas paralleling a river stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of one hundred years.
- b) Principal estuary courses of wetland areas that are part of the river flow system.
- c) Contiguous area paralleling a river stream or other body of water that exhibit unstable soil conditions for development.

FLOOD PRONE AREA

Area adjacent to the channel of a river, stream, ocean, lake, or other body of surface water, which has been or may be covered by water. Generally areas that flood at least once every one hundred years are defined as flood prone.

FLOOR AREA: USABLE

That area of a building used for or intended to be used for the sale of merchandise or services. Such floor area which is used for or intended to be used primarily for the storage or processing of merchandise which may include hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the floors in the building measured from the interior faces of the exterior walls.

FLOWING WATER

Surface water within a stream channel that has a perceptible flow and is relatively permanent in nature. Such waters are commonly referred to as river, streams and brooks.

FOREST MANAGEMENT ACTIVITIES

Timber cruising and other forest resource evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities.

FOSTER CARE HOME

A community-based residential facility for the physically handicapped, mentally retarded, and previously mentally ill adults which meets the requirement of, and is licensed by the State of Michigan.

FRONTAGE

All the property fronting on one side of a street between intersecting or intercepting streets, or between a street and right-of-way, waterway, end of a dead end street, or township boundary measured along the street line.

GARAGE: COMMERCIAL

Any structure (except private, community or storage garages) available to the public and primarily used for the storage of motor vehicles, for remuneration, hire or sale, where any such vehicle or engine may also be repaired, rebuilt, or equipped to operate, and where vehicles may be greased, washed and waxed.

GARAGE: PRIVATE

A building used primarily for the storage of self-propelled vehicles for the use of occupants of a premise on which such building is located.

GARAGE: PUBLIC

Any premise, except those described as a private or storage garage, used principally for the storage of automobiles, cars or motor driven vehicles, for remuneration, hire or sale, where any such vehicle or engine may also be equipped for operation, repaired, rebuilt or reconstructed, but not including undercoating or overall painting, unless conducted in completely enclosed spray booth.

The foregoing definition shall be construed to permit the storage on any one lot, for the occupants thereof, of not more than one (1) licensed commercial vehicle having not more than two and one-half (2½) ton capacity, but not to include utility trucks such as wreckers, garbage pick-up trucks, and septic tank pumpers. Not more than one (1) space may be rented for a passenger vehicle.

GASOLINE SERVICE STATION

A place primarily operated and designed for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories.

GRADE

For purposes of this ordinance, the level of the ground adjacent to the walls. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.

GRADING

Any stripping, excavating, filling, stockpiling, or any combination thereof, and also included shall be the land in its excavated or filled condition.

GRADING PERMIT

The written authority issued by the zoning administrator or his agent permitting the grading, excavation or filling of land including drainage and soil erosion control in conformity with the Erosion Control section of this ordinance and Public Act 347 of 1972.

GRASSED WATERWAY

A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct water from a field, diversion, or other site feature.

GREENBELT - See BUFFER

GROUNDWATER

Water within the earth that supplies wells and springs.

GUEST HOUSE

Separate structure or dwelling, on a residential parcel, used for sleeping and/or eating purposes by non-paying friends, relatives or acquaintances of the resident or owner of the main structure.

HIGH WATER MARK

That line on the shores and banks of waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relates to the area where vegetation changes from predominantly aquatic to predominantly terrestrial.

HIGHWAY

Any public thoroughfare, except alleys, in the public road system of the county including county, state, and federal roads.

HISTORIC RESOURCES

Sites, areas, districts, settlement patterns, natural features, structures and objects associated with the history, tradition or cultural heritage of state or local interest and of enough significance because of their characteristic, unusual or symbolic qualities to merit preservation or restoration.

HOME OCCUPATION

Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

HORTICULTURE

The art of cultivating gardens producing fruits and vegetables.

HOSPITALS

An institution providing health services primarily for in-patients and medical or surgical care of the sick and injured, including laboratories, out-patient departments, training facilities, central service facilities, and staff offices. Those institutions whose primary function is the care of the infirm or mentally ill are not considered hospitals.

HOTEL

A building occupied or used predominantly as a temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five sleeping rooms, none which have cooking facilities.

HOUSEHOLD PETS

Household pets shall be limited to pet birds, cats confined to a dwelling or dwelling site, family pet dogs confined to the dwelling site or under responsible control; in general, more than 2 dogs or animals kept on a premise for breeding or for sale purposes shall not be considered household pets. This definition is not intended to conflict with other ordinances in effect in the Cheboygan County or to Michigan State Statutes.

HOUSING

Structural development for human habitation, including houses, camps, mobile homes, apartments, condominiums, groups of rooms or single family rooms occupied or intended for occupancy as separate living quarters.

IMPACT SURVEY REPORT

An advance study and prediction of the changes expected to result from a proposed development written as a factual report.

IMPOUNDMENT

Any body of water created by man through the construction of a dam, usually with a head of water of at least two feet.

INDUSTRIAL ACTIVITY

Activity of or connected with the manufacture or assembly of goods or the extraction of minerals.

JUNK

For the purpose of this ordinance, this term shall refer to any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or materials that are damaged or deteriorated.

JUNK YARD

A place, structure, or lot where junk, waste, discarded, salvaged, or similar materials including metals, wood, slush, timber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, disassembled, baled, exchanged or handled. Junk yards include auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for use of salvaged house

wrecking and structural steel materials and equipment. Pawn shops and establishments which sell, purchase or store used cars, salvaged machinery, used furniture, radios, appliances, or similar household goods and the processing of used, discarded, or salvaged materials as part of manufacturing operations are not considered junk yards.

KENNEL

Any lot or premises on which four (4) or more dogs, cats or other household pets more than four (4) months of age are housed, groomed, bred, boarded, trained or sold.

LAKE FRONTAGE

The land adjacent to and abutting all inland lakes and Lake Huron.

LAKEFRONT LOT: FRONT

The single parcel of property which lies between the building line of a dwelling unit and the mean high water mark of the lake.

LAKEFRONT LOT: REAR

The portion of a single parcel of property which lies between the lot line furthest from the water's edge and the building line of a dwelling unit furthest from the mean high water mark of the lake.

LAND USE DISTRICT

An area of land, water or air within horizontal or vertical boundaries delineated for distinct categories of use.

LOADING SPACE

An off-street space on the same lot with a building for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT

Any portion, piece or division of land.

LOT: CORNER

A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street shall be considered a corner lot if the arc tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

LOT: INTERIOR

Any lot other than a corner lot.

LOT AREA

The total horizontal area within the lot lines, as defined, of a lot. For lots fronting or lying adjacent to private streets, lot area shall be interpreted to mean that area within lot lines separating lot from the private street, and not the center line of said private street.

LOT COVERAGE

That portion of the lot occupied by main and accessory buildings.

LOT DEPTH

The mean horizontal distance from the front street line to the rear lot line.

LOT LINES

The lines bounding a lot as defined herein:

- a) Front Lot Line: In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, the front lot line is that line separating said lot from the street which is designated as the front street in the plat and in the application for a building permit or occupancy permit. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines.
- b) Rear Lot Line: That lot line opposite the front lot line. In the case of a lot pointed at the rear (pie-shaped), the rear lot line shall be an imaginary line at least ten (10) feet long, parallel to the front lot line, but inside the side lot lines.
- c) Side Lot Line: Any lot line other than the front lot line or rear lot line.

LOT OF RECORD

One whose dimensions are shown on a plat recorded in the office of the county registrar of deeds or a lot described by metes and bounds in a recorded deed or other recorded instrument transferring a legal or equitable interest in the title.

LOT THROUGH

Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required (also a double frontage lot).

LOT WIDTH

The mean horizontal distance between the side lines, measured at right angles to the side lot line. Where side lot lines are not parallel, the lot size shall be considered as the average of the width between such side lot lines.

LOT ZONING

A contiguous tract of land which at the time of filing for a zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A zoning lot may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

MAIN BUILDING

A building in which is conducted the principal use of the lot upon which it is situated.

MAIN USE

The principal use to which the premises are devoted and the principal purpose for which the premises exists.

MASTER PLAN

The County Comprehensive Plan as may be amended or updated, including graphic and written proposals indicating general locations for roads, streets, parking, schools, public buildings, and other physical development features, including resource conservation objectives.

MINERALS: COMMERCIAL EXTRACTION

Removal of mineral resources with the intent of selling for profit.

MOBILE HOME

A single family dwelling designed for transportation after fabrication on street and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking for assembly operations, location on jacks or permanent foundations, connection to utilities and the like.

MOBILE HOME PARK

Any premise occupied or designed to be occupied by more than two families living in their individually occupied house trailer or mobile home.

MOTEL OR MOTOR INN

A series of attached, semi-detached, or detached rental units containing bedroom, bathroom and closet space wherein each unit has a separate individual entrance leading directly from the outside of the building. No kitchen or cooking facilities.

MOVEABLE STRUCTURE

A permanent structure which is determined to be moveable based on a review of the design and size of the structure, a review of the capability of the proposed structure to withstand normal moving stresses, and a site review to determine whether the structure is accessible to moving equipment.

MULCHING

The application of straw or other suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

MULTIPLE USE

The judicious management of all the various resources for timber production, outdoor recreation, watershed protection, fish and wildlife protection, mineral extraction, and other private and public purposes. MULTIPLE USE may involve: 1) different uses of adjacent areas, 2) alteration through time of different uses on the same area, or 3) more than one use of an area at one time. Where there are several uses of an area at one time, conflicts between

resource uses may occur. Such forms of multiple use are more correctly interpreted as a DOMINANT USE with secondary uses integrated insofar as they are compatible with the first and all uses are consistent with the major policies of the Land Use Plan.

NATIVE VEGETATION

Trees, shrubs, bushes, and grasses growing on a natural ground surface.

NATURAL GROUND SURFACE

The ground surface in its original state before any grading, excavation or filling.

NONCONFORMING BUILDING OR STRUCTURE

A building or structure or portion thereof lawfully existing at the effective date of this ordinance, or amendments thereto, and which does not conform to the provisions of the ordinance in the zoning district in which it is located.

NONCONFORMING USE

An activity existing at the time of the enactment of this ordinance, on a lot or lots of record, which is not in conformance with the use regulations for the zoning district in which it is located according to the ordinance.

NUISANCE

An offensive, annoying, unpleasant, or obnoxious thing, act, or practice; a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which invades the property line of another so as to cause harm or discomfort, to the owner or resident of that property. Excessive or noisy vehicular traffic, dust, glare, and smoke are examples of nuisances.

NURSERY: PLANT MATERIALS

Any lot or structure used for the growing, harvesting, processing, storing, and/or selling of plants, shrubs, trees, and flowers, including products used for gardening and landscaping, but not including fruit and vegetable sales.

OFF-STREET PARKING LOT

A parking area off the street, which may require drives and aisles for maneuvering, for the parking of four (4) or more vehicles.

PARK

Any area of land designated for outdoor recreational purposes.

PARKING AREA

An area other than a street used for the temporary parking of more than four vehicles and available to the public if it is a public parking area, either for free or for compensation.

PARKING SPACE

An area not less than eight and one-half (8½) feet wide and not less than twenty (20) feet long for standard-sized automobiles or not less than seven (7) feet wide and not less than sixteen (16) feet long for compact-sized automobiles.

An area for parking for each automobile or motor vehicle, being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

PERMANENT SOIL EROSION CONTROL MEASURES

Those control measures which are installed or constructed to control soil erosion and which are maintained after completion of the project.

PLANNING COMMISSION

Shall mean the Cheboygan County Planning Commission.

PRINCIPLE USE

The designation given to a legally defined parcel of land and based upon the primary activity occurring on such parcel.

PROFESSIONAL ENGINEER

An engineer duly registered or otherwise authorized by the State of Michigan to practice in the field of civil engineering.

PUBLIC SERVICES

Those services related to filling the need for water supply, waste disposal, fire and police protection, public utilities, hospital and health services, transportation and education.

PUBLIC UTILITY

A person, firm, or corporation, municipal department, board or commission duly authorized to provide and providing, under Federal, State, or Municipal regulations to the general public any of the following: water, gas, steam, electricity, telephone, telegraph, waste disposal, communication, or transportation.

RECREATION VEHICLE

Any self-propelled motorized vehicle or travel or camping trailer, normally used only for vacation or recreational purposes.

RECREATIONAL FACILITIES

Forms of development that are essential to conduct particular recreational activities, e.g., ski lifts, golf courses, sporting camps, hiking/ski trails, and campsites. Also included are facilities which support, but are not essential to, the performance of the recreational activity, e.g., access roads and parking lots.

RECREATIONAL RESOURCES

Natural areas, such as bodies of water, shorelands, forest, fish and wildlife, and areas of historic, scenic or scientific interest which provide a means of refreshment and diversion to people during leisure-time activity.

REGULATED GRADING

Any grading performed with the approval of and in accordance with criteria established by the zoning administrator.

RESORT

A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one or more of the following activities: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming and related or similar uses normally associated with recreational resorts.

RESTAURANT

A business located in a building where, in consideration of the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking and assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food.

RETAIL COMMERCIAL ESTABLISHMENT

A store, market, or shop in which commodities are sold or offered for sale in small or large quantities to the retail trade. Grocery and general stores, meat markets, public garages, automobile service stations are included in this classification.

RIVER'S EDGE - See HIGH WATER MARK

ROADSIDE STAND

An accessory and temporary farm structure operated for the purpose of selling local agricultural products raised or produced on the same farm premises.

ROOMING HOUSE

A building, or part of a building, other than a hotel, motel, or motor court, where sleeping facilities are provided and meals may be served regularly for remuneration.

ROUTINE PERMITS

Zoning commission permits for all types of activities, except zoning amendments and variances, which involve no new or first time interpretation of the established standards, rules and regulations and for which a decision of the commission exists as a precedent.

RUBBISH

The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, auto parts, junked cars, or any similar or related combination thereof.

SCIENTIFIC RESOURCE

An area containing unique or rare landforms, water resources, vegetation, animals or archaeological sites which are of special interest for scientific research or educational purposes.

SEASONAL RESIDENCE

A dwelling unit not normally the permanent residence of the occupant(s) and not normally used as a dwelling unit for more than six (6) months during any calendar year.

SEASONAL SAWMILL

Any mill that 1) does custom sawing only, 2) saws only wood cut by the mill owner/operator, or 3) conducts sawing operations less than a total of four months out of the year.

SEDIMENT

Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by air, water, or gravity as a product of erosion.

SEDIMENT BASIN

See Debris Basin.

SEDIMENT POOL

The reservoir space allotted for the accumulation of submerged sediment during the life of the structure.

SETBACK

The minimum required horizontal distance measured from the front side, or rear lot line, whichever is applicable, of a lot of record for purposes of determining the minimum amount of open space surrounding the main structure on that lot.

SETBACK LINES

Lines established adjacent to highways for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained. "Within a setback line" means between the setback lines and the nearest boundary of the highway right-of-way.

SIGN

Any device designed to inform the general public or attract the attention of persons. The following shall not be considered commercial signs for purposes of this ordinance:

- a) signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises,
- b) flags and insignia of any government, except when displayed in connection with commercial promotions,
- c) legal notices, identification, informational or directional signs erected or required by government bodies,
- d) integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights,

- e) signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

SIGN: OFF-SITE

A sign relating to matter which is off the premises in question.

SIGN: ON-SITE

A commercial sign relating in its subjectmatter to the premises on which it is located, or to activities, products, services, or accommodation of the immediate site.

SITE

Any plot or parcel of land or combination of contiguous lots or parcels of land where grading is performed or permitted.

SITE PLAN REVIEW

A procedure for evaluating proposed development or conservation projects based on the quality of and/or concept incorporated in the proposal and designed to meet general performance standards for such projects. Site plan review should allow more flexibility and innovation in development or conservation proposals than traditional zoning regulations.

SLOPE

Degree of deviation of surface from the horizontal usually expressed in percent or degree.

SOIL

All unconsolidated mineral and organic material of whatever origin that overlies bedrock which can be readily excavated.

SOIL CONSERVATION DISTRICT STANDARDS

Soil Conservation Service handbook.

SOIL ENGINEER

A professional engineer who is qualified by education and experience to practice applied soil mechanics and foundation engineering.

STABLE

A building for housing domestic animals, other than dogs, cats, or similar small animals, when not conducted as a business and solely for the personal use of the residents of the premise or owner of the property.

STABLE: PUBLIC

Building in which any horses are kept for hire or sale.

STORY

That portion of a building included between the upper surface of any floor and the upper surface of the floor immediately above, except that the top story shall be that portion of a building included between the upper surface of the uppermost floor and the ceiling or roof immediately above. A basement shall be considered a full story only if fifty (50%) percent or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured.

STORY: HALF

An uppermost story lying between the top part of a full story and a sloping roof, provided said floor area does not exceed one-half ($\frac{1}{2}$) of the full story, contains at least 160 square feet and has a minimum floor to ceiling clearance of 7 feet, 6 inches.

STREET

A publicly dedicated right-of-way which affords general traffic circulation and access to abutting property, but does not include alleys.

STRIPPING

Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

STRUCTURE

Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, radio and TV towers, mobile homes, sheds and permanent signs, and exclude vehicles, sidewalks and paving.

STRUCTURAL ALTERATION

Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams or girders, or any change in width or number of exits, or any substandard change in the roof, or any addition.

STRUCTURAL ROCK FILLS

Fills constructed predominantly of rock materials for the purpose of supporting structures.

SUBDIVISION

The partitioning or dividing of a parcel or tract of land for the purpose of sale, or lease of more than one year, or of building development, where the act of division creates five or more parcels of land each of which is ten acres or less in area; or five or more parcels of land each of which is ten acres or less in area are created by successive divisions within a period of ten years. (Subdivision Control Act of 1967, Act. No. 288 of Public Acts of 1967 as amended.)

SURFACE WATERS

Bodies of standing or flowing waters on the earth's surface. These waters include lakes, ponds, rivers and streams.

TEMPORARY BUILDING AND USE

A structure or use permitted by the building inspector to exist during periods of construction of the main use or for special events.

TEMPORARY SOIL EROSION CONTROL MEASURES

Interim control measures which are installed or constructed for the control of soil erosion until permanent soil erosion control is effected.

TENTS

A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground.

TOURIST HOME

A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

TRAVEL TRAILER

A vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes. Truck mounted campers are considered travel trailers for purposes of this ordinance.

TRAVEL TRAILER PARK

Any site, tract, field or lot upon which three or more occupied travel trailers are harbored either free of charge or for revenue purposes including any building, structure, tent, vehicle, or enclosure used, or intended for use as a part of the equipment of such park.

TROPHIC STATE

Characterization of a body of water in terms of position on a scale of organic content or biologic activity ranging from oligotrophic to eutrophic. Oligotrophic - low biological productivity, clear and deep waters which are well supplied with oxygen. Mesotrophic - moderately well supplied with plant nutrients and supporting moderate plant growth. Eutrophic - high biological activity, turbid and shallow waters with deepest waters exhibiting reduced levels of oxygen.

USE

The lawful purpose for which land or premises, including the structures thereon, is designed, arranged, or intended or for which it is rented, leased, occupied, or maintained.

VARIANCE

Action taken by the Board of Appeals granting a property owner relief from certain provisions of the ordinance when because of the particular physical surroundings, shape, or topographical conditions of the property compliance would result in an undue hardship upon the owner, as distinguished from a mere inconvenience or desire for an increased economic return.

VEGETATIVE PROTECTION

Stabilization of erosion or sediment producing areas by covering the soil with:

- a) Permanent seeding, producing long-term vegetative cover.
- b) Short-term seeding, producing temporary vegetative cover, or
- c) Sodding, producing areas covered with a turf or perennial sod-forming grass.

VEGETATIVE PROTECTION (NATIVE)

Leaving of trees, shrubs, bushes, and grasses on natural ground surfaces.

WATERCOURSE

Any natural or artificial watercourse, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks, and shall include any area adjacent thereto subject to inundation by reason of overflow or flood water.

WATERSHED

The area contained within a divide above a specified point on a stream. In water supply work it is termed a Watershed and in river control work it is termed a Drainage Area, Drainage Basin or Catchment Area.

WETLANDS

Any area where ground water is at or near the surface of the ground a substantial part of the year, and/or where soil or vegetation features are of a type that requires water levels at or near the ground surface, and may be so indicated on data prepared by the Cheboygan County Soil Conservation District. Wetlands may also be indicated as environmental areas, flood plains, and similar designations that satisfy the intent of this ordinance.

YARD

An open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, unoccupied except for projections, such as porches and steps, and the specific minor uses or structures allowed in such open space under the provisions of this ordinance.

YARD: CORNER SIDE

A side yard which faces a public street.

YARD: FRONT

A yard extending the full width of the lot on which a building is located and situated between the front lot line and a line parallel thereto and passing through the nearest point of the building.

YARD: INTERIOR SIDE

A side yard located immediately adjacent to another zoning lot or to an alley or easement separating such side yard from another zoning lot.

YARD: REAR

A yard extending the full width of the lot on which a building is situated and located between the rear lot line and a line parallel thereto and passing through the nearest point of the building.

YARD: SIDE

A yard on the same lot as a building situated between the side lot line and a line parallel thereto and passing through nearest point of the building, and extending from the front yard to the rear yard.

YARD: WATERFRONT

A yard, any part of which abuts on a lake, stream or any other natural or artificial watercourse.

ZONING ADMINISTRATOR

The official designated by the County Board of Commissioners to administer and enforce the provisions of the ordinance, and which individual may be the Building Official, Building Inspector, or other person charged with the responsibility of administering building, land use, and/or other codes in Cheboygan County.

ZONING EXCEPTIONS AND VARIANCES

- a) Variance: A modification of the literal provision of the Zoning Ordinance where such interpretation would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. Such variance shall be acted on by the Zoning Board of Appeals by written application to the Zoning Administrator.
- b) Exception: The "Exception" differs from the "Variance" in several respects. An exception does not require "undue hardship" in order to be allowable. The exceptions that are found in this ordinance appear as allowances to build on substandard lots in High Risk Erosion Designated areas after Zoning Commission Review. All conditions noted in this ordinance must be met in order for an exception to be granted.

ARTICLE 3. GENERAL PROVISIONS

SECTION 3.1. THE EFFECT OF ZONING

In order to carry out the intent of this ordinance, hereinafter no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered or moved upon any property unless it is in conformance with the provisions and intent of this ordinance and of the specific zoning district.

SECTION 3.2. LOT ACCESSIBILITY

No dwelling unit shall be built on a lot unless the lot abuts upon a public road or upon a permanent unobstructed access easement of record to a public road. Such easement of record shall have a minimum width of 30 feet, excepting where an access easement of record of less width existed prior to the adoption of this ordinance. All regulations contained in this ordinance shall apply to such easements of record in the same manner as if the same were dedicated roads.

SECTION 3.3. ACCESSORY BUILDING AND USE

3.3.1. Accessory buildings built only as a construction facility use shall terminate upon completion of the principal building or buildings upon the premises.

3.3.2. Where the accessory building is attached to or within 20 feet of a main building, it shall be subject to and must conform to all regulations of this ordinance applicable to the main buildings.

3.3.3. In residential districts, any accessory buildings shall be located in the rear of the lot, except when attached to the main building. The rear yard is defined as the space on a lot or parcel lying between the main building or group of buildings and the rear lot or property line. Exemption to this requirement may be granted upon approval of the Zoning Board of Appeals.

3.3.4. Front and side setback requirements for accessory buildings shall be the same as for the main structure.

3.3.5. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front line of the lot to its rear, said building shall not project beyond the front yard setback line required on the lot in the rear of such corner lot.

SECTION 3.4. ESSENTIAL PUBLIC SERVICES

The erection, construction, alteration and maintenance of facilities considered to be essential to serve the general public shall be exempt from the

regulations set forth in this ordinance and shall be permitted in any use district except those considered by the Zoning Commission to be a danger to the health, safety or welfare of the general public.

SECTION 3.5. DUMPING OF MATERIALS

Accumulation, dumping or storage of waste materials shall not be permitted except in approved junkyards and solid waste disposal sites or where a temporary permit is obtained from the Zoning Administrator, upon approval of the Board of Commissioners after a public hearing. Such permit shall not exceed one year and may be renewed on an annual basis only after a public hearing and approval by the Board of Commissioners. An appropriate bond and agreement shall be required of the applicant for a permit to insure compliance with this ordinance.

3.5.1. Dumping or disposal shall not negatively affect the water table or cause pollution of stagnant or running water in any area of the county so as to create health or safety problems to the natural environment and the inhabitants of the county. Nor shall the natural terrain be altered in any fashion to create safety or health hazards at the expiration date of the permit, or substantially alter the character of the land so as to make it unusable for the uses for which it was originally zoned.

3.5.2. Dumping of soil, sand and clay materials except for landscaping of the site shall not be permitted without approval of the Zoning Administrator.

3.5.3. Dumping and/or transport of hazardous materials and/or nuclear wastes shall not be allowed within Cheboygan County except as permitted by Public Act 113, of 1978, State of Michigan.

3.5.4. Properly sealed or adequately concealed materials discharged in the performance of normal household or farming activities on the same lot or parcel shall not require a permit for disposal but must comply with all other requirements of SECTION 3.5.

SECTION 3.6. DISMANTLED, NON-OPERATING OR UNLICENSED MOTOR VEHICLES

3.6.1. No person, firm or corporation shall store, place or permit to be stored or placed, or allowed to remain on any parcel of land for a period of more than 90 days in any one year a dismantled, partially dismantled and inoperable or unlicensed and inoperable motor vehicle, unless the same is kept in a wholly enclosed structure, or is located in an approved junkyard by special exception as herein provided, or unless a variance therefor is first obtained from the county board of appeals to be granted only in special hardship cases beyond the control of the applicant, where peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed.

3.6.2. The purpose of these regulations is to limit and restrict the outdoor storage or unreasonable accumulation of junk cars, unused cars, stock cars, and dilapidated non-operating motor vehicles upon any land in the county except within areas where a junk dealer is permitted to operate or the area is zoned for such purposes.

3.6.3. These provisions shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse or junk but shall be construed as supplementary to any such ordinances, as well as any statutes of the State of Michigan relating thereto.

SECTION 3.7. GENERAL LIGHTING AND PROTECTIVE SCREENING REQUIREMENTS

3.7.1. Except as otherwise provided in this zoning ordinance, all premises used for business, commercial or industrial purposes and located within a "D-CM" Commercial District or a "D-IN" Industrial District shall be screened from adjoining premises located in an "D-MR" Mixed Residential District, "D-RS" Residential District or "P-LS" Lake and Stream Overlay District by any of the following:

3.7.2. A natural compact planting area of evergreens or shrubbery which maintain their density and screening effect throughout the calendar year, not less than 4 feet in height at the time of planting and maintained in a neat and attractive manner commensurate with the adjoining district.

3.7.3. On corner lots, no plantings shall be established or maintained which obstruct on the view of vehicular traffic in any direction. All intersections of public streets and roads shall be provided and maintained with a clear unobstructed vision corner extending not less than 20 feet from all right-of-way line intersections along said right-of-way line in the form of an isosceles triangle, within which no vehicle parking or obscuring structures, storage, growth or displays shall be located or allowed.

3.7.4. All lighting upon any premises, regardless of zone, shall be so arranged that such lighting does not produce any glare which is a nuisance or annoyance to residents or occupants of adjoining premises or to the traveling public on public streets or highways.

SECTION 3.8. ZONING DISTRICTS

This ordinance establishes the following zoning districts in Cheboygan County:

Development Districts

D-RS Residential
D-MR Mixed Residential
D-CM Commercial
D-IN Industrial

Management Districts

M-AF Agricultural & Forestry

Protection Districts

P-LS Lake & Stream Overlay
P-NR Natural Rivers
P-RC Resource Conservation

SECTION 3.9. DISTRICT BOUNDARIES

The location and boundaries of most zoning districts are established on a map titled "The Cheboygan County Zoning Map" which with all notations, references and amendments shall be as much a part of this ordinance as if fully described herein. This official Zoning Map shall be located in the office of the Zoning Administrator and shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date and any amendments to the ordinance or to the official zoning map shall become legal only after such changes are noted and portrayed on said map and attested to by signatures of the Zoning Administrator and the County Clerk. The maps included with this ordinance are for general reference purposes only. Where uncertainty exists as to the exact district boundaries, the following shall prevail:

3.9.1. Where boundary lines are indicated as approximately following streets, alleys or roads, the centerlines of said streets, alleys or roads shall be considered to be exact boundary lines.

3.9.2. Boundaries indicated as approximately following lot lines shall be considered to exactly follow said lot lines.

3.9.3. Boundaries indicated as following the shorelines of lakes shall be considered as following such shorelines. In the case of streams, such boundaries shall be considered to follow the centerline of the stream. Where shorelines of lakes have changed, the boundary lines shall be construed as following the contour of the new shoreline and in the case of changes in the course of a stream, the boundary shall be considered as the centerline of the new course.

3.9.4. Where the application of the aforementioned rules leave a reasonable doubt as to the exact location of a district boundary, the provisions of the more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Board of Appeals upon the recommendation of the Zoning Administrator.

SECTION 3.10. ACCESSORY USES ASSUMED

For each district established in this ordinance it shall be assumed that customary buildings and uses which are incidental to any principal uses or uses allowed by special use permit are permissible as part of the main use.

SECTION 3.11. ZONING OF VACATED AREAS

Whenever any street, alleys, highway or other public right-of-way within the county shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the zoning district of the abutting property. In the case of an abandoned right-of-way which also serves as a district boundary, the centerline of such abandoned right-of-way shall remain the boundary line and the lands on either side of said centerline shall become attached to their respective adjoining properties.

SECTION 3.12. ZONING OF FILL AREAS

Whenever, after appropriate permits are obtained, any fill material is placed in any lake or stream so as to create a usable or buildable space, such fill area shall take on the zoning district and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the ordinance provisions on the property from which said use emanates. No fill material shall be placed in any lake or stream within the county unless appropriate permits are obtained.

SECTION 3.13. ZONING DISTRICT CHANGES

When district boundaries change, any non-conforming use may be continued subject to all other applicable provisions of the ordinance.

SECTION 3.14. USE PERMITTED BY RIGHT

Permitted uses, are recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the schedule of regulations, permit, and site plan requirements found elsewhere in this ordinance, but otherwise is considered to be a lawful use not requiring special or extraordinary controls or conditions.

SECTION 3.15. USES REQUIRING SPECIAL LAND USE PERMITS

The uses listed in this ordinance as special approval uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities needs, and other similar characteristics)

as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.

SECTION 3.16 OTHER LAND USE CONTROLS

In addition to the provisions of this ordinance, provisions contained in the following federal, state and county laws and regulations shall be complied with:

PA 297, Soil Conservation Law

PA 347, Soil Erosion Control Law

PA 288, Subdivision Control Law

PA 247, Sale, Lease and Alteration of Submerged Lands

PA 291, Inland Lakes and Streams Regulations

Michigan Construction Code

Corps of Engineers Regulations on Work and Structures on Navigable Waters

Cheboygan County Nuisance Abatement Regulations

ARTICLE 4.

D-RS. RESIDENTIAL DEVELOPMENT DISTRICT

SECTION 4.1. PURPOSE

This district classification is designed to be the most restrictive to encourage an environment of predominantly low-density single family dwellings, together with a minimum of other residentially related facilities and activities primarily of service to the residents of the area. The intent is to keep this district relatively quiet and free from detrimental use influences. New residential development is to be encouraged adjacent to existing developed residential areas and kept separate from commercial or industrial development.

SECTION 4.2. PERMITTED USES

4.2.1. Detached one family, or duplex (two family) dwellings.

4.2.2. Gardening, but not including the raising of animals, except for household pets. Sheltering, raising or stabling of animals shall be a violation of this ordinance.

4.2.3. Existing farms and agricultural uses.

4.2.4. Public, parochial and private schools, libraries and municipal structures and uses.

4.2.5. Churches

4.2.6. Home occupations subject to the limitations of ARTICLE 2.

4.2.7. Office or studio of a physician, dentist or other professional person residing on the premises.

4.2.8. Essential public utility services, excluding buildings and regulator stations.

4.2.9. Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of a business.

4.2.10. State licensed residential facilities (6 or less persons).

SECTION 4.3. USES REQUIRING SPECIAL LAND USE PERMITS

See ARTICLE 12, SUPPLEMENTAL REGULATIONS for standards and conditions for

special uses and ARTICLE 13, SPECIAL LAND USE (SLU) PERMITS AND PROCEDURES for instructions on applying for permits.

4.3.1. Nurseries and day care centers for children.

4.3.2. Elderly housing and convalescent homes.

4.3.3. Multi-family housing.

4.3.4. Patio homes, townhouses, apartment buildings, condominiums.

4.3.5. Parks, playgrounds, golf courses, and other recreational facilities.

4.3.6. Cemeteries.

4.3.7. Essential public utility service buildings, or gas or electric regulator stations or buildings (excluding public works garages and storage yards).

4.3.8. Private non-commercial recreation camps.

4.3.9. Private clubs and lodges.

4.3.10. Marinas.

4.3.11. Any other use which shall be determined by the Zoning Commission to be of the same general character as the uses described in these Sections 4.2. and 4.3. and in compliance with the spirit of this ordinance.

ARTICLE 5.

D-MR. MIXED RESIDENTIAL DEVELOPMENT DISTRICT

SECTION 5.1. PURPOSE

This district is designed to permit the greatest density of residential uses allowed within the county, together with other residentially related facilities designed to service the inhabitants of the area. The district permits all uses allowed in the D-RS Residential District plus greater flexibility in non-residential activities. D-MR districts are viewed as future growth centers, encouraging new construction to fit in with existing development and lessening future costs for facilities and services by sharing those already in place.

SECTION 5.2. PERMITTED USES

5.2.1. Any use permitted in the D-RS Residential District.

5.2.2. Multiple family housing, excluding hotels, motels and similar transient residence buildings.

5.2.3. Nurseries and day care centers for children.

5.2.4. Elderly housing, nursing and convalescent homes.

5.2.5. Boarding and lodging houses.

5.2.6. Medical clinics and doctors' offices.

SECTION 5.3. USES REQUIRING SPECIAL LAND USE PERMITS

See ARTICLE 12, SUPPLEMENTAL REGULATIONS for standards and conditions for special uses and ARTICLE 13, SPECIAL LAND USE (SLU) PERMITS AND PROCEDURES for instructions on applying for permits.

5.3.1. All uses in the D-RS Residential Development District subject to special conditions and requiring Special Land Use Permits.

5.3.2. Mobile home parks.

5.3.3. Accessory buildings and uses incidental to a mobile home park such as recreational buildings and facilities, laundry facilities, maintenance buildings and storage facilities.

5.3.4. Grocery and party stores.

5.3.5. Automobile repair and service stations.

5.3.6. Entertainment establishments.

5.3.7. Restaurants.

5.3.8. Farming and agricultural operations, together with a reasonable number of accessory buildings and the right to sell products, poultry or animals produced, raised or grown upon the premises.

5.3.9. Any other use which shall be determined by the Zoning Commission to be of the same general character as the uses described in these Sections 5.2. and 5.3. and in compliance with the spirit of this ordinance.

ARTICLE 6.

D-CM. COMMERCIAL DEVELOPMENT DISTRICT

SECTION 6.1. PURPOSE

This district is designed to provide retail sales and commercial service uses serving the general public. Additional commercial development will be encouraged in existing commercial districts rather than creating new commercial districts.

SECTION 6.2. PERMITTED USES

- 6.2.1. Any use permitted in the D-MR Mixed Residential District.
- 6.2.2. Antique shop.
- 6.2.3. Automobile washing establishments.
- 6.2.4. Bakery shops and stores.
- 6.2.5. Banks, savings and loan offices, credit unions.
- 6.2.6. Bars or taverns.
- 6.2.7. Barber shops, beauty parlors.
- 6.2.8. Book, stationery, office supply stores.
- 6.2.9. Business colleges, trade schools.
- 6.2.10. Candy, confectionery stores.
- 6.2.11. Cabinet making shops.
- 6.2.12. Commercial cleaning plants, dry cleaning, laundry establishments.
- 6.2.13. Dance, music, voice studios.
- 6.2.14. Dressmaking, millinery, clothing stores.
- 6.2.15. Drug stores.
- 6.2.16. Farm products stands.
- 6.2.17. Florists.
- 6.2.18. Food stores, meat markets, delicatessens.
- 6.2.19. Fish bait, tackle, sporting goods stores.
- 6.2.20. Funeral homes, undertaking establishments.
- 6.2.21. Gift shops.
- 6.2.22. Hardware, paint stores.

- 6.2.23. Hotels, motels.
- 6.2.24. Jewelry stores.
- 6.2.25. Leather goods, luggage stores.
- 6.2.26. Lock, gunsmith, general repair shops.
- 6.2.27. Laboratories.
- 6.2.28. Nurseries for flowers and plants.
- 6.2.29. Offices.
- 6.2.30. Photographic studios, supply stores, printing.
- 6.2.31. Pharmacies, optometrists, dentists, medical centers.
- 6.2.32. Radio, TV, musical instrument sales and service.
- 6.2.33. Reducing salons.
- 6.2.34. Shoe stores, repair shops.
- 6.2.35. Theatres (excluding drive-in theatres).

SECTION 6.3. USES REQUIRING SPECIAL LAND USE PERMITS

See ARTICLE 12, SUPPLEMENTAL REGULATIONS for standards and conditions for special uses and ARTICLE 13, SPECIAL LAND USE (SLU) PERMITS AND PROCEDURES for instructions on applying for permits.

- 6.3.1. Automobile sales, repair and rental establishments.
- 6.3.2. Boat sales, repair and storage establishments.
- 6.3.3. Equipment rental and sales yards.
- 6.3.4. Farm machinery sales, service and repair establishments.
- 6.3.5. Gasoline service stations and garages.
- 6.3.6. Parking lots, buildings and garages.
- 6.3.7. Retail lumber yards.
- 6.3.8. Trailer and mobile home parks.
- 6.3.9. Wholesale sales and storage when in a completely enclosed building.
- 6.3.10. Bowling alleys, pool or billiard parlors and clubs.
- 6.3.11. Rifle or pistol ranges when in completely enclosed building.
- 6.3.12. Outdoor, drive-in theatres.
- 6.3.13. Kennels, pet shops, veterinary hospitals.

6.3.14. Bus terminals.

6.3.15. Outdoor commercial recreation activities.

6.3.16. Drive-in eating and fast food establishments.

6.3.17. Any other use which shall be determined by the Zoning Commission to be of the same general character as the uses described in these Sections 6.2. and 6.3. and in compliance with the spirit of this ordinance.

ARTICLE 7.

D-IN. INDUSTRIAL DEVELOPMENT DISTRICT

SECTION 7.1. PURPOSE

The Industrial Development District is designed to provide for manufacturing, fabrication, assembling, mineral extraction, servicing and commercial activities which require greater outdoor storage, larger sites and may have an adverse affect on adjacent non-industrial districts.

SECTION 7.2. PERMITTED USES

- 7.2.1. Any use permitted in the D-CM Commercial Development District.
- 7.2.2. Generally recognized manufacturing, fabricating and processing.
- 7.2.3. Research and experimental laboratories.
- 7.2.4. Storage, wholesale, transportation and terminal facilities.
- 7.2.5. Contractors yards, equipment storage and materials handling operations.
- 7.2.6. Major utility service yards and buildings, either public or private.
- 7.2.7. Repair operations and maintenance activities for vehicles and equipment of any kind.
- 7.2.8. Heating and electrical power generating plants.

SECTION 7.3. USES REQUIRING SPECIAL LAND USE PERMITS

See ARTICLE 12, SUPPLEMENTAL REGULATIONS for standards and conditions for special uses and ARTICLE 13, SPECIAL LAND USE (SLU) PERMITS AND PROCEDURES for instructions on applying for permits.

- 7.3.1. Metal plating, buffing and polishing.
- 7.3.2. Fuel and any flammable liquid or gas production requiring storage and related services.
- 7.3.3. Junk yards and places for storage, dismantling, wrecking and disposing of junk and refuse material or industrial, agricultural and automotive vehicles.
- 7.3.4. Sawmills and planing mills.
- 7.3.5. Slaughter houses and meat packing plants.
- 7.3.6. Gravel and mineral extraction, mining and quarrying.
- 7.3.7. Any other use which shall be determined by the Zoning Commission to be of the same general character as the uses described in these Sections 7.2. and 7.3. and in compliance with the spirit of this ordinance.

ARTICLE 8.

M-AF. AGRICULTURE AND FORESTRY MANAGEMENT DISTRICT

SECTION 8.1. PURPOSE

Agriculture and Forestry Management Districts are those areas where farming, dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. They include areas which, although not currently so used, have a potential for agriculture and forestry. Large vacant areas, fallow land and wooded areas may also be included. Although the demand for other uses in these districts may ultimately outweigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply and timber resources are essential to the health and welfare of the county, state and nation.

SECTION 8.2. PERMITTED USES

8.2.1. Single and two family homes.

8.2.2. Farm dwellings, barns, stables, silos, housing for farm labor, and accessory buildings, structures and uses customarily incidental to any of the foregoing permitted uses.

8.2.3. Agricultural, horticultural, dairy farming, cattle raising, poultry raising, livestock raising, forestry and other similar enterprises excluding however, rendering plants, commercial fertilizer production, garbage feeding or disposal activities.

8.2.4. Greenhouses and nurseries.

8.2.5. Markets for the sale of products grown or produced upon the premises together with incidental products related thereto not grown or produced upon the premises but which are an unsubstantial part of said business.

8.2.6. Home occupations as defined in this ordinance.

8.2.7. Essential services.

8.2.8. Cemeteries.

8.2.9. Private aircraft landing strips.

8.2.10. Temporary mobile homes and travel trailers maintained in sound running condition with a current vehicle license. (See SECTION 12.3).

8.2.11. Tree farms, forest production and forest harvesting operations including portable sawmills, log storage yards and related activities.

8.2.12. Hunting grounds, fishing sites and wildlife preserves.

SECTION 8.3. USES REQUIRING SPECIAL LAND USE PERMITS

See ARTICLE 12, SUPPLEMENTAL REGULATIONS for standards and conditions for special uses and ARTICLE 13, SPECIAL LAND USE (SLU) PERMITS AND PROCEDURES for instructions on applying for permits.

8.3.1. Churches and parish houses, schools and educational institutions and other municipal buildings, structures and uses.

8.3.2. Community buildings, public parks and recreational areas, playgrounds and campgrounds.

8.3.3. Hunting and fishing cabins.

8.3.4. Golf courses, country clubs and sportsmens' associations or clubs.

8.3.5. Resorts, resort hotels, recreation farms, vacation lodges, motor inns, motels and other tourist lodging facilities.

8.3.6. Travel trailer courts, tenting areas and general camping grounds.

8.3.7. Public airports and landing fields, with appurtenant facilities.

8.3.8. Non-essential public utility and service buildings.

8.3.9. Nursing or convalescent homes.

8.3.10. Animal feedlots or piggeries.

8.3.11. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses.

8.3.12. Any other use which shall be determined by the Zoning Commission to be of the same general character as the uses described in these Sections 8.2. and 8.3. and in compliance with the spirit of this ordinance.

ARTICLE 9.

D-LS LAKE AND STREAM OVERLAY PROTECTION DISTRICT

SECTION 9.1. PURPOSE

This district is established to protect property values, riparian rights, water quality, groundwater resources, public health, flora and fauna, recreational values, to prevent flooding, protect from erosion and enhance the general well being of the County. The surface waters of the county are the major attraction for residential, commercial, and recreational development activities. The district will provide for proper development along water courses while maintaining the integrity of the county's surface waters.

The purpose of the High Risk Erosion Designated Areas which have been incorporated in this Lake and Stream Overlay District is to prevent the placement of structures in areas of high risk erosion consistent with the provisions of the Michigan Shorelands Protection and Management Act, P.A. 245 of 1970, as amended. Furthermore, it is the purpose of these designated areas within this District to establish minimum setbacks for principal structures from an eroding bluff which, based on the erosion studies prepared by the Michigan Department of Natural Resources pursuant to the Shorelands Protection and Management Act, should provide a minimum of 30 years protection from shoreline erosion and to minimize the economic hardship which individuals and Cheboygan County may face in the case of unanticipated property damage to severe erosion.

This is an overlay district, with the shoreline lands being assigned to one of the additional mapped zoning districts designated by this ordinance. The requirements of the overlay district are in addition to those spelled out for the underlying district. Permitted uses are those requiring special land use approval are determined by the classification of the underlying district. In the event of any conflict in standards between the underlying district and this overlay district, the regulations of this overlay district shall prevail.

SECTION 9.2. DESIGNATED AREA

The Lake and Stream Overlay Protection District includes:

9.2.1. An area 500 feet from and parallel to the shoreline's ordinary high water mark of the following waters:

Burt Lake
Deveraux Lake
Dog Lake
Douglas Lake
Klieber Pond
Lancaster Lake
Lance Lake
Long Lake (T-36N R-1W)

Mullet Lake
Munro Lake
Silver Lake (T-33N R-3W)
Tower Pond
Twin Lakes (T-36 & 37N R-1E)
Vincent Lake (T-37N R-3W)
Wildwood Lake

Those portions of Black Lake and Paradise (Carp) Lake extending into Cheboygan County.

Mill Creek
Little Black River
Lower Black River
Cheboygan River
Indian River

Mullet Creek
Little Pigeon River
Sturgeon River
West Branch Sturgeon River

9.2.2. The area between US 23 and Lake Huron and the Straits of Mackinac.

9.2.3. High Risk Erosion Areas as designated by the Michigan Department of Natural Resources Land Resource Programs Division under the authority of Public Act 245, 1970 (Shorelands Protection Management Act).

These areas, commonly known as Cordwood Point and Nine Mile Point, are described in detail below. The end points of the high risk erosion areas coincide with descriptions provided by the shoreland erosion studies of the Michigan Department of Natural Resources, and are as follows:

High Risk Erosion Designated Area A - The west end of this designated area is located in Section 20, T38N, R1E, lying 1,545 feet west of the intersection of the Section 20-21 line and the Lake Huron shoreline, extending eastwardly through the entire shoreline length of Section 21. The east end point of this designated area is located in Section 22, T38N, R1E and lies 605 feet east of the intersection of the Section 21-22 line and the Lake Huron shoreline.

High Risk Erosion Designated Area B - The west end point of this high risk erosion area in Section 32, T38N, R2E, lies 415 feet east of a point which is the end of a line drawn perpendicular to US-23 at the intersection of the eastern drive of the Highway Park and extended to the shoreline, measuring along the Lake Huron shoreline. The east end point of this designated area in Section 32, T38N, R2E, lies 770 feet east from a point which is the end of a line drawn perpendicular to US-23 at the intersection of the eastern drive of the Highway Park and extended to the shoreline, measured along the Lake Huron shoreline.

SECTION 9.3. GENERAL PROVISIONS

The following general provisions apply to the use of any land within this district.

1. Uses in the Lake & Stream Overlay District are determined by the underlying districts with the following exceptions: landfills, open pits, and industries producing, storing or handling toxic wastes must be located beyond 300 feet from the water's edge.
2. Where a parcel of land contiguous to a body of water is used for residential purposes involving more than one dwelling unit, a recreational park may be established bordering on the water to be used by owners and occupants of lots included within the parcel for the purpose of swimming and picnicing. At least twenty lineal feet of water frontage and one hundred fifty feet in depth shall be provided for each dwelling unit to be served by the recreational park; however, no recreational park so created shall have less than three hundred feet of water frontage. Mooring facilities may be provided for not more than three power craft for each one hundred fifty feet of property width, to a maximum of fifteen power craft. Any mooring facilities must be located so as to respect swimming beaches and docks on the same or adjoining properties.
3. Property owners are encouraged to establish a vegetative buffer zone within 40 feet of the water's edge. Within this buffer zone trees and shrubs should be selectively pruned to provide a filtered view of and reasonable access to the water. Wherever possible, live root systems should be left intact for shoreline stabilization and erosion control. Dead, diseased, unsafe or fallen trees and noxious plants may be removed. Planting of perennial native species in the buffer zone is encouraged.
4. New septic systems and absorption fields located within the Lake & Stream Overlay Protection District shall be located at least 100 feet from the water's edge. A variance from this setback may be allowed by the District Health Department where existing lots of record cannot conform due to size limitations.
5. Materials and colors used in the erection or alteration of the exterior of structures located within the Lake & Stream Overlay Protection District should be harmonious with the natural setting to the greatest extent possible. Structures should be keyed to the height of surrounding trees.
6. All dredging, filling, grading or other earth changes shall comply with the provisions of the Soil Erosion and Sedimentation Control Act, P.A. 347 of 1972), Michigan's Inland Lakes and Streams Act (P.A. 346 of 1972) and the Wetlands Protection Act (P.A. 203 of 1979).

SECTION 9.4. AGRICULTURAL & SILVICULTURAL ACTIVITIES

Agricultural activities are permitted within the Lake & Stream Overlay Protection District. A natural vegetative strip shall be reserved within 40 feet of the water's edge to limit erosion and sediment from agricultural activities. Within this strip, natural vegetative cover shall remain unchanged. Contour farming parallel to the shoreline or riverbank is strongly encouraged within 100 feet of the water's edge.

The growing and harvesting of timber is permitted within the Lake & Stream Overlay Protection District. These activities must meet the following requirements.

1. No trees shall be felled in such a direction as to cause damage or destruction of streamside or lakefront vegetation.
2. No trees shall be felled into or across any lake or stream.
3. Logging debris shall be kept out of all lakes and streams.
4. Native and ecologically compatible species shall be used in any revegetation operations.
5. No one species shall be completely harvested.
6. Enough trees shall be left so that 60 percent or more of the shade-producing canopy before timber operations shall remain after harvest in the area within 100 feet of the water's edge; beyond 100 feet, 30% of the shade-producing canopy shall remain after harvest.

SECTION 9.5. ACCESSORY STRUCTURES

Accessory structures may be allowed within the 40 foot front yard setback of this district or within the minimum setback of a designated high risk erosion area, provided the following conditions are satisfied.

1. No accessory structure, except docks, waterfront protection devices or bridges, shall be permitted within thirty (30) feet of the water's edge.
2. Fences may be erected no closer to the water's edge than the landward edge of the natural vegetative strip.
3. Only one dock shall be permitted per lot.
4. Any accessory structures which can be easily and economically removed prior to erosion damage are allowed within the minimum setback requirement zone of a high risk erosion designated area, provided that no such

structures are permanent in either construction or location. Any accessory structure in this designated area shall be removed, to the fullest extent practical, prior to erosion damage.

SECTION 9.6. NON-CONFORMING USES & SUBSTANDARD LOTS

1. Any non-conforming uses located in the Lake & Stream Overlay Protection District must meet the requirements of ARTICLE 17. of this ordinance.

SECTION 9.7. SPECIAL EXCEPTIONS FOR HIGH RISK EROSION DESIGNATED AREAS

A special exception may be granted to install a moveable structure on any substandard lot existing in High Risk Erosion Designated Areas A and B as described in Section 9.2.3. providing the following provisions are met:

1. If a sanitary sewer is not used, the septic system, tile field, or other waste handling facility shall be located on the landward side of the moveable structure.
2. The moveable structure shall be located as far landward of the bluff-line as local zoning restrictions allow.
3. The moveable structure shall be designed and constructed in accordance with proper engineering standards and building moving restrictions applicable to the subject area. Review and approval of the design shall be incorporated into the department permit process. All construction materials, including foundations, shall be removed or disposed of as part of the moving operation. Access to and from the structure shall be of sufficient width and acceptable grade to allow for moving of the structure.

ARTICLE 10.

NATURAL RIVERS PROTECTION DISTRICT

SECTION 10.1. PURPOSE

The Natural Rivers Protection District is established to preserve, protect and enhance the values of the Pigeon River and Upper Black River in the interest of present and future generations. Under the authority of the Natural River Act, P.A. 231 of 1970, the Pigeon River has been designated as a wild-scenic river, based on its water quality, resource and recreation values. The Black River has been identified as a priority stream by the Michigan Department of Natural Resources, Natural River Program, noting qualities and resource values similar to the designated portions of the Pigeon River.

Based on this designation and identification, the portions of the Pigeon River, Upper Black River and their tributaries delineated in SECTION 10.2. are included in Cheboygan County's Natural River Protection District for the following purposes:

1. To maintain the water quality, purity, clarity and free flowing condition of the Pigeon and Upper Black Rivers and their tributaries for total body contact recreation (swimming), cold water fish species and other uses.
2. To prevent ecological and aesthetic damage which may result from overcrowding or disorderly development.
3. To permit reasonable and compatible uses of land which complement the natural characteristics of the rivers and further the purposes of this ordinance while protecting the rivers' scenic qualities.
4. To limit or prohibit those developments and activities which may damage or destroy the rivers' fish, wildlife, scenic, economic, historic and recreation values and uses.
5. To protect the rivers' natural floodwater storage capacity and provide for the conservation of soil, river bed and banks and adjoining uplands.
6. To ensure that recreational uses which do occur are done in an orderly manner consistent with the natural environment and aesthetic qualities of the stream, and that a quality recreation experience is maintained.

SECTION 10.2. DESIGNATED AREA

The Natural Rivers Protection District includes an area 500 feet deep on each side of and parallel to all channels of the mainstream of the Pigeon and

Upper Black Rivers and to their tributaries, as noted below. This distance is measured from the river's edge, determined by the ordinary high water mark of the river or tributary, as defined in the Inland Lakes and Streams Act, P.A. 346 of 1972.

Pigeon River:

Mainstream - From the river's entry into Cheboygan County in Section 33, T33N, R1W, downstream to the Hackleburg Road Bridge.

Tributaries - All streams which flow into the Pigeon River upstream of M-68, from their sources to their confluence with the Pigeon River.

Upper Black River:

Mainstream - From the river's entry into Cheboygan County in Section 32, T33N, R1E, downstream to the Upper Black River Road Bridge in Section 34, T36N.

Tributaries - McMasters, Little McMasters and Milligan Creeks, from their sources to their confluence with the Upper Black River.

SECTION 10.3. RESIDENTIAL USES

Single family dwellings are permitted within the district with the following conditions:

1. Building setbacks for new structures or appurtenances shall be 200 feet from the water's edge along the mainstreams and 150 feet from the water's edge along tributaries.
2. Unplatted lots and new subdivisions shall provide minimum lot widths of 200 feet on the mainstreams and 150 feet on tributaries.
3. Lots or properties of record which are non-conforming at the date this ordinance takes effect because of a lack of size to accommodate setback or width requirements may be built upon, following review of site conditions and building plans and granting of a variance by the Zoning Board of Appeals following the requirements of ARTICLE 18. of this ordinance. Buildings on substandard lots should be located so as to best meet the objectives of Natural River Protection District.
4. One single family dwelling shall be permitted on each lot or parcel.
5. All habitations shall be provided with sanitary waste disposal facilities approved by the District Health Department. New septic systems shall meet the standards in SECTION 10.6.

SECTION 10.4. INDUSTRIAL AND COMMERCIAL USES

1. New industrial uses and buildings and expansion of such existing uses and

buildings are not permitted within the Natural River Protection District.

2. Commercial uses and buildings, such as gas stations, motels, restaurants, retail stores, mobile home parks, etc. are not permitted within the Natural River Protection District.
3. Commercial uses which are compatible with maintaining the natural character of the rivers may be permitted as special land uses, based on the requirements of ARTICLE 13. of this ordinance. These commercial uses include:
 - a. Small home operated businesses such as photography studio, beauty shop, home repair, insurance, or other businesses which do not alter the residential nature of the property and are in conformance with established setbacks.
 - b. Small rental cabins with light housekeeping, but not motels, which are in conformance with setback requirements.
4. Buildings must be setback 200 feet from the water's edge along main-streams and 150 feet from the water's edge along tributaries.

SECTION 10.5. NATURAL VEGETATION STRIP

1. Trees, shrubs and other vegetation native to the Pigeon and Upper Black River areas shall be maintained and enhanced on each side of the rivers and their tributaries to retain the rivers' natural values. Maintenance of the natural vegetation strip is required to help stabilize the river-banks, minimize erosion, provide shading which will help maintain cool water temperatures, help protect water quality by absorbing nutrients from surface water runoff, provide screening of man-made elements, protect fisheries and wildlife habitat, and maintain the aesthetic quality of the river. The zoning administrator shall notify each applicant for a building permit of the purpose of the natural vegetation strip and of the provisions of this section.
2. A vegetation strip shall be maintained on each side of the stream to a distance of 100 feet along the mainstreams and 75 feet along tributaries. The following provisions shall apply within the natural vegetation strip:
 - a. Distances of the natural vegetation strip shall be measured horizontally from the ordinary high water mark.

- b. Dead, diseased, unsafe or fallen trees, shrubs and noxious plants, including poison ivy, poison sumac and poison oak, and other plants regarded as a common nuisance in Section 2, Public Act 357 of 1941, as amended, may be removed.
- c. Trees and shrubs may be pruned for a filtered view of the river.
- d. Upon approval of the local zoning administrator, trees and shrubs may be selectively removed for harvest of merchantable timber, public utility facilities, to achieve a filtered view of the river from the principal structure, and for reasonable private access to the structure, and for reasonable private access to the river.
- e. Clear cutting within the above described management zones generally is not permitted. However, it may be allowed if it is necessary to maintain or enhance native vegetation, upon approval of the Pigeon River Country Area Forester.
- f. Planting of native species is encouraged in the vegetation strip to enhance and protect the river's edge. The Department of Natural Resources or the Soil Conservation Service may be consulted for selection of native plant species.

SECTION 10.6. ON-SITE SANITATION SYSTEMS

- 1. Minimum standards for new septic systems within the Natural Rivers Protection District.
 - a. The setback for septic tanks and absorption fields shall be a minimum of 150 feet from the ordinary high water mark.
 - b. The bottom of the absorption field shall be at least four feet above the known high ground water table.
 - c. No absorption field shall be closer than 50 feet from any permanent surface or subsurface drainage system.
 - d. Variances from these standards may be allowed by the district health departments where existing lots of record cannot conform because of their size.
- 2. The bottom of an earth privy shall be not less than six feet above the known high ground water table. Where this is not feasible, a water tight vault shall be installed.

SECTION 10.7. SIGNS

- 1. Only those signs necessary for: identification, direction, resource

information, regulation of use, and related to permitted uses, shall be placed along the designated rivers and tributaries. Within the Natural River Protection District, signs for the sale of products or services shall be prohibited. Signs within the Natural River Protection District must conform to the following standards:

- a. Signs may not be larger than one square foot in area, posted no more than one per 100 feet or one sign posted at upstream and downstream corner of lot. However, one temporary real estate "for sale" sign per parcel of land not to exceed four square feet in area shall be allowed outside of the natural vegetation strip.
- b. Signs may not be attached to any tree or shrub.
- c. Signs may not be illuminated.

SECTION 10.8. AGRICULTURAL ACTIVITIES

1. Agricultural practices existing on the effective date of the ordinance will be permitted within the natural vegetation strip. Grazing will be permitted within the natural vegetation strip unless the Bureau of Environmental Protection of the Department of Natural Resources determines that it contributes to stream degradation (Act 245, P.A. 1929). In those cases, livestock will be fenced out to protect the river banks. Cattle crossings and watering areas shall be constructed according to accepted methods, after the landowner has consulted with the local Soil Conservation District, Soil Conservation Service, County Extension Service, and/or Department of Natural Resources.
2. Water withdrawal for irrigation will continue to be permitted in accordance with the rights of other riparians and the public values associated with the Pigeon River system.
3. New agricultural uses and practices including commercial tree farms and feedlots shall be allowed in the Natural River District provided they are landward of the natural vegetation strip.

SECTION 10.9. GENERAL PROVISIONS

1. Docks:

The construction of docks along streams and tributaries in the Natural River Protection District is strongly discouraged. However, if necessary to provide safe and ecologically sound access for the riparian landowner, "log-sod covered docks" may be constructed of natural materials. Docks must be constructed in accordance with the rules of Act 346,

P.A. 1972. Upon request of the property owner, the Department of Natural Resources will assist in the siting and location of a dock so as to blend in with the natural surroundings and best meet the objectives of the natural river designation.

2. Minerals:

Extraction of sand or gravel is not permitted within 300 feet of the rivers or tributaries included in the Natural Rivers Protection District. Additionally, new development, exploration or production of gas, oil, salt brine or other minerals except groundwater are not permitted within 300 feet of the designated portions of the Pigeon River and its tributaries.

3. Disposal of Solid Wastes:

No unsightly or offensive material, including, but not limited to: trash, refuse, junk cars, junk appliances or garbage, shall be dumped or stored within the Natural River Protection District or as provided by Act 641, P.A. 1978. No dumps or sanitary landfills shall be permitted within the district.

4. Land Alteration:

Land alteration for building such as grading, dredging and filling of the land surface outside of the natural vegetation strip is permitted, unless the groundwater table is within six feet of the land surface or on lands subject to flooding. All activities must meet provisions of Michigan's Inland Lakes and Streams Act, Act 346, P.A. 1972, Soil Erosion and Sedimentation Control Act, Act 347, P.A. 1972, and the Wetlands Protection Act, Act 203, P.A. 1979.

5. General Recommendations:

- a. Wherever possible, natural materials and unobtrusive colors should be used in construction of new or remodeling of existing buildings.
- b. Buildings visible from the rivers should be screened with native vegetation wherever possible.
- c. Planting of perennial native vegetative species in the natural vegetation strip should be considered wherever possible, especially where exposed soil and steep slopes exist.

ARTICLE 11.

P-NR RESOURCE CONSERVATION DISTRICT

SECTION 11.1. PURPOSE

The Resource Conservation District is designed to protect, preserve or manage natural, recreational, historic and scenic resources such as wetlands, prime forestlands, aquifer recharge areas, flood hazard zones, fish spawning areas, wildlife habitats, parks, camp grounds, swimming areas, historic structures, archeological discoveries, scientific and educational facilities, open spaces and similar resources. Development in this district shall be closely regulated to protect against erosion, water supply contamination, flood damage, malfunctioning waste disposal systems, permanent loss of fish and wildlife habitats and destruction of historical structures or archeological remains, while allowing for the management of resources as permitted in this article. The district includes:

11.1.1. Coastal and inland wetlands, natural or man-made.

11.1.2. Aquifer and aquifer recharge areas identified as important for water supply to present and future development.

11.1.3. Areas which have a history of flooding or where serious flooding can be anticipated.

11.1.4. Important wildlife and fishery habitats.

11.1.5. Soils and terrains which might be subject to erosion, mass movement or damage from development.

11.1.6. Man-made or natural features which provide special historic, scenic, aesthetic, educational, archeological, architectural or scientific values to the county or state.

11.1.7. Prime forestlands as designated by the Northeast Michigan Prime Forestlands Identification Project, based on their soil capabilities, with the exception, however, that any parcel of 10 acres or less in this category existing at the time of enactment of this ordinance shall be exempt from the requirements of the Resource Conservation District and shall come under the regulation of the Agriculture and Forestry Management District. (ARTICLE 8.).

SECTION 11.2. PROHIBITED USES & ACTIVITIES

11.2.1. Sanitary landfills, mineral extraction and other filling, draining and dredging operations.

11.2.2. Any development on slopes of 12% or more.

11.2.3. Manufacturing, use or disposal of flammable substances, pesticides or toxic materials.

11.2.4. Any development which limits the forest production capabilities of designated prime forestland parcels.

11.2.5. Moving of dirt or other materials which would divert or speed the flow of surface waters.

11.2.6. Any use which would endanger or degrade historical structures or archeological remains.

SECTION 11.3. PERMITTED USES

11.3.1. Outdoor recreational activities, provided they do not require public services or utilities.

11.3.2. The growing and harvesting of timber in designated prime forestlands.

11.3.3. Management or enhancement of fish and wildlife habitats.

SECTION 11.4. USES REQUIRING SPECIAL LAND USE PERMITS

See ARTICLE 12, SUPPLEMENTAL REGULATIONS for standards and conditions for special uses and ARTICLE 13, SPECIAL LAND USE (SLU) PERMITS AND PROCEDURES for instructions on applying for permits.

11.4.1. Agricultural activities including accessory buildings, after approval by the Zoning Commission of construction and management plans which provide assurance that the area is protected against degradation as described in this article.

11.4.2. Accessory buildings used exclusively for the storage of equipment connected with forest management.

11.4.3. Temporary sawmills.

11.4.4. Structures serving educational or scientific purposes.

11.4.5. Any other use which shall be determined by the Zoning Commission to be of the same general character as the uses described here and in compliance with the spirit of this article.

ARTICLE 12.

SUPPLEMENTAL REGULATIONS AND STANDARDS

SECTION 12.1. AREA, WIDTH, LOT SIZE, SETBACK & HEIGHT REQUIREMENTS

ZONING DISTRICTS	PER DWELLING UNIT				MINIMUM YARD SETBACKS (FEET)			MAXIMUM HEIGHT OF STRUCTURES	
	Minimum Floor Area Square Feet	Minimum Building Width Feet	Minimum Lot Size Area Sq Ft	Minimum Lot Size Width (Ft)	Front	Sides	Rear	Stories	Feet
D-RS RESIDENTIAL DEVELOPMENT	720	14	12000	75	30	8	12	2	35
D-MR MIXED RESID- ENTIAL DEV.	720	No Minimum	12000	75	30	8	12	2	35
D-CM COMMERCIAL DEVELOPMENT	SUBMIT SITE PLAN								
D-IN INDUSTRIAL DEVELOPMENT	SUBMIT SITE PLAN								
M-AF AGRICULTURAL & FORESTRY MGT	720	No Minimum	1 acre	150	50	10	30	2	35
P-LS LAKE & STREAM OVERLAY PROT.	720	14	15000	100	40 *	8	12	2	35
P-NR NATURAL RIVER PROTECTION	(SEE ARTICLE 10)								
P-RC RESOURCE CONSERVATION	SUBMIT SITE PLAN								
ALL DISTRICTS	A			B	C				

NOTES: A. The minimum floor area per dwelling unit shall not include area of basements, utility rooms, breezeways, porches or attached garages.

B. Duplex, 100 feet; Multi-family, 50 feet per family. In P-LS, Lake & Stream Overlay Protection District, minimum lot width applies to water frontage.

C. On waterfront property, front of lot faces the water.

* Setback for High Risk Erosion Designated Areas:

Area A - 55 feet from the bluffline

Area B - 45 feet from the bluffline

For exceptions to, or modifications of the above, see sections of this ordinance pertinent to the particular land use.

SECTION 12.1.1. SUPPLEMENTAL AREA, WIDTH, LOT SIZE, SETBACK & HEIGHT REQUIREMENTS

1. All areas within 500 feet of lakes, ponds, flowing rivers, streams and bodies of water, see ARTICLE 9. LAKE AND STREAM OVERLAY PROTECTION DISTRICT.
2. Where the front yards of two or more main buildings in any block within 500 feet of each other in existence at the time of the passage of this ordinance, or any amendment thereto, in the same zoned district or the same side of the road are less than the minimum front yard setback, then any building subsequently erected on the same side of the road shall not be required to provide a greater setback than the average for the existing two or more structures.
3. Corner Lot. When a lot is bounded by two intersecting streets, the front yard requirements shall be met on only one abutting street, provided that no portion of the lot within 50 feet of the side lot line of any adjoining property is utilized for a structure unless the minimum front yard requirements of the adjoining property are met. Prior existing practice will not prevail for new construction or use.
4. For the purpose of applying yard regulations, multiple dwellings shall be considered as one building occupying one lot. When more than one multiple dwelling building occupies one lot, the two or more structures must be separated by at least 20 feet when end to end and 50 feet when face to face or back to back for structures up to two stories. These isolated distances shall be increased by 8 feet for each story above the first two stories.
5. Side yards may be omitted if walls abutting a side yard are of fire-proof construction and wholly without openings. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than 20 feet on the side abutting the residential district.
6. Minimum yard setback requirements between multiple dwellings, condominiums, duplexes, patio houses, and townhouses, and corresponding front, side and rear property lines shall conform to the requirements of SECTIONS 12.1. and 12.1.1. for the district in which such dwellings are located.
7. For apartments, the minimum required floor space per dwelling unit shall be:

Efficiency	350 square feet
One bedroom apartment	500 square feet
Two bedroom apartment	700 square feet
Three bedroom apartment	800 square feet
Plus an additional 80 square feet for each bedroom in excess of three bedrooms in any dwelling unit.	
8. Minimum floor areas for condominiums, duplexes, multiplexes, patio houses, townhouses and similar structures shall be the same as for single-family units.

9. MULTIPLE-FAMILY LAND AREA REQUIREMENTS IN SQUARE FEET PER DWELLING UNIT, EXCLUDING PUBLIC ROADS.

TYPE OF UNIT	APARTMENTS	CONDOMINIUMS, DUPLEXES, PATIO HOUSES, TOWNHOUSES, MULTIPLEXES
Efficiency or one bedroom	3,000	4,200
Two bedroom	4,200	5,100
Three bedroom	5,100	5,700
Each additional bedroom	300	400

NOTES:

- a. A den, library or extra room shall count as a bedroom.
 - b. In a rooming house, boarding house, group quarters or residential care facility, every 3 persons of occupancy shall count as equivalent to one bedroom.
 - c. Subject to approval of the site plan, the multiple-family land area requirements may be reduced by 30%, provided approved community sewers serve the units, there is at least 150 feet of frontage on a State Highway or County Primary Road, or the Zoning Commission determines that land uses on adjoining properties are of an intensity and/or density that would be comparable and compatible with such a 30% reduction, and a plan for site landscaping is submitted for approval as part of the site plan.
10. Subject to a Public Hearing and the conditions outlined here, the Zoning Commission may approve controlled height increases above the maximum in all districts without an upper limit. The conditions for approving taller structures are as follows:
1. It is determined by the Zoning Commission that the added height will not significantly interfere with line-of-sight scenic views.
 2. There is no conflict with airport zoning height restrictions.
 3. The percent of lot coverage for all buildings, parking lots and other impervious surfaces, shall not exceed 50%.
 4. The applicant can demonstrate that the added height will result in more ground level open space through the lot toward the scenic view to compensate for higher structures or otherwise demonstrate to the Zoning Commission that the added height will result in a better use of the premises from the standpoint of the arrangement of parking areas, buildings, open spaces and relationship to adjacent buildings and uses.

SECTION 12.1.2. SINGLE-FAMILY DWELLINGS

A building containing not more than one dwelling unit designed for residential use shall comply with the following standards:

1. It shall comply with the minimum square footage requirements of this ordinance for the zone in which it is located.
2. It shall comply with the minimum width requirements of this Ordinance across any front, side or rear elevation and complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of PA 230 of 1970, as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by above cited Michigan State Construction Code, then and in that event such federal or state standard or regulation shall apply.
3. It is firmly attached to a permanent foundation constructed on the site in accordance with the state construction code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured in accordance with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, under carriage or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facilities as approved by the county health department.
6. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
7. The dwelling is aesthetically compatible in design and appearance with other residents in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the County Zoning Inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Inspector's decision.

Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the county. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

8. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
9. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
10. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state and federal law or otherwise specifically required by this ordinance pertaining to such parks.
11. All construction required herein shall be commenced only after a building permit has been obtained in accordance with this ordinance and Michigan State Construction Code provisions and requirements.

SECTION 12.2. OFF-STREET PARKING FOR MOTOR VEHICLES

1. Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto in each district for all occupants, employees and patrons of said property.
2. A plan showing the required parking and loading spaces including the means of access and interior circulation, except for one-family and two family dwellings, shall be provided at the time of application for a building permit for the erection or enlargement of any building.
3. Off-street parking shall be prohibited in the areas between buildings and the abutting street line or lines within the Residence Development Districts except for such temporary parking within private driveways not exceeding 20 feet in width.
4. Off-street parking may be permitted in the front yard, except that a ten foot wide landscaped buffer must be maintained between the front lot line (or right-of-way line) and the parking area.
5. Off-street parking existing at the effective date of this ordinance which serves an existing building or use shall not be reduced in size less than that required under the terms of this ordinance.
6. Parking of motor vehicles in residential zones, except those used for farming, shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type not to exceed 3/4 ton. The parking of any other type of commercial vehicle, or buses, except for those parked on school property, is prohibited in a residential zone.
7. The Zoning Board of Appeals may grant variances from these parking requirements where it is satisfied under the circumstances prevailing that the requirements for off-street parking are excessive for the particular development.

REQUIREMENTS FOR ALL PARKING SPACES AND PARKING LOTS:

- a) Each automobile parking space shall be not less than 180 square feet nor less than 9.5 feet wide exclusive of driveway and aisle space.
- b) All off-street parking facilities shall be drained so as to prevent damage to abutting properties or public streets and shall be constructed of materials which will have a dust-free surface resistant to erosion.
- c) Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lots.
- d) In all cases where parking lots abut public sidewalks, wheel blocks or chocks will be provided to prevent vehicles from extending closer than 5 feet a lot or setback line or a public sidewalk.
- e) Off-street parking facilities in non-residential zones shall be effectively screened on any side which adjoins or faces property in any residential zone by a wall, fence or compact planting not

less than 4 feet or more than 8 feet high. Planting shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.

- f) The off-street parking facilities required for residential dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, behind the front setback line and shall consist of a parking strip, parking apron and/or a garage.
- g) The off-street parking facilities required for other than residential uses may be located on the same lot as the structures and uses to be served or on other lots within 300 feet of the location served.
- h) All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.
- i) Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement. Loading and unloading space shall be provided in the rear yard in the ratio of at least ten square feet per linear foot of front building wall. Loading space shall not be counted as required off-street parking. Loading zones may be located in other non-required yards, if screened or obscured from view from public streets and residential districts.

SECTION 12.2.1. MINIMUM LOT SPACE REQUIREMENTS

PARKING ANGLE	MANEUVERING AISLE WIDTH	PARKING STALL WIDTH	PARKING STALL LENGTH	TOTAL WIDTH OF TWO STALLS OF PARKING PLUS MANEUVERING AISLE
Parallel Parking	12.0 ft.	8.5 ft.	24.0 ft.	29.0 ft. (one way) 32.0 ft. (two way)
Up to 53°	13.0 ft.	9.0 ft.	22.0 ft.	35.0 ft. (one way)
54° to 74°	18.0 ft.	9.0 ft.	21.0 ft.	38.0 ft. (one way)
75° to 90°	24.0 ft.	9.0 ft.	20.0 ft.	44.0 ft. (one way)

SECTION 12.2.2. TABLE OF MINIMUM PARKING REQUIREMENTS

All Uses	1 per 2 employees, in addition to the following, unless shown otherwise in the table
Auditoriums, theatres, stadiums, assembly halls, churches, temples	1 per 3 seats of maximum seating capacity
Auto repair garages, bump shops, service stations	2 per service stall 1 per 800 sq. ft. useable floor area
Auto salesrooms, machinery sales, plumbing, electrical or similar trade showrooms	1 per 1,000 sq. ft. useable floor area 1 per employee
Banks, post offices	1 per 200 sq. ft. useable floor area 1 per employee
Barber shops, beauty parlors	3 per service chair
Bowling alleys	4 per bowling lane
Business and professional offices	1 per 200 sq. ft. gross floor area
Carry out restaurant	1 per 125 sq. ft. gross floor area with a minimum of 8 spaces
Child care & day care centers, nursery schools	1 per 400 sq. ft. useable floor area 1 per employee
Dance halls, exhibition halls, pool halls, assembly halls without fixed seats	1 per 2 persons of maximum occupancy load
Drive-in bank	4 per teller window
Schools, colleges, universities	1 per teacher, administrator 1 per classroom 1 per 10 students above 8th grade
Furniture, appliance, household equipment repair shops, hardware and similar stores	1 per 800 sq. ft. useable floor area
Gasoline service station	2 per stall
Golf course	5 per hole
Homes for aged, convalescent & nursing homes	1 per 3 beds
Hospitals	1 per 2 beds 1 per staff doctor 1 per 1,000 sq. ft. patient treatment area
Industrial, wholesale, research est.	1 per employee on largest working shift

Laundromat, coin-operated drycleaning establishments	1 per washing and/or drycleaning machine
Libraries and museums	1 per 500 sq. ft. gross floor area
Medical & dental clinics, doctors' offices	1 per 200 sq. ft. gross floor area 1 per 50 sq. ft. waiting room
Miniature or Par 3 golf course	2 per hole
Mortuary establishments, funeral homes, undertaking parlors	3 per 100 sq. ft. useable floor area
Motels, hotels, tourist homes	1 per rental unit
Motor vehicle wash est. (self service)	4 per wash stall
Motor vehicle wash est. (other than self service)	4 per 20 ft. wash operation line
Multiple family dwelling	2 per dwelling unit
Open air business uses including mobile home sales and used car lots	1 per 800 sq. ft. gross lot area 1 per 150 sq. ft. sales & display building area
Private clubs, fraternities, dormitories	1 per 3 members
Private tennis clubs, swim clubs, golf clubs or similar use	1 per 2 members
Residential, single family, multiple or mobile homes	2 per dwelling unit
Restaurants, regular	1 per 75 sq. ft. gross floor area
Restaurants, fast food, drive-in	1 per 35 sq. ft. gross floor area
Retail stores except as otherwise provided herein	1 per 150 sq. ft. gross floor area
Roadside stands	9 per establishment
Shopping centers	
1 to 15,000 sq. ft.	1 per 100 sq. ft.
15,001 to 45,000 sq. ft.	1 per 125 sq. ft.
45,001 and larger	1 per 150 sq. ft.

SECTION 12.3. TENTS AND TRAVEL TRAILERS

Tents, travel trailers and/or automobile trailers shall not be used for dwelling purposes within the county limits; provided, however, that travel trailers or automobile trailers may be used for temporary dwellings for a total period of not more than 30 days in any one year when located upon premises having an acceptable potable water source and sewage facilities.

12.3.1. Automobile trailers and travel trailers and motor homes may be occupied for dwelling purposes within duly licensed travel trailer camps, subject to the following requirements:

- a. State of Michigan health requirements for travel trailer and camping areas are complied with.
- b. The site is at least ten (10) acres in area and 600 feet wide.
- c. The use is effectively screened from public streets and thoroughfares with a natural or planted greenbelt.

SECTION 12.4. TOURIST LODGING FACILITIES

Resorts, resort hotels, recreation farms, vacation lodges, motor inns, motels, travel trailer camps and other tourist lodging facilities shall be permitted only on sites of 10 acres or more in area with a minimum property width of 600 feet.

SECTION 12.5. MOBILE HOME COURTS AND PARKS

Where permitted by special approval, mobile home courts and parks shall comply with the following requirements:

- a. Development shall be in accordance with the requirements of Act 419 of 1976 & Act 243 of 1959 of the Public Acts of the State of Michigan, as amended.
- b. Each mobile home site shall contain a minimum area of 5,000 square feet. All such trailer site areas shall be computed exclusive of service drives, facilities and recreation space.
- c. A wall, greenbelt or obscuring fence at least four feet and six inches (4'6") high shall be provided on all sides of the mobile home park or court, with the exception of that portion providing ingress and egress to the site which must be landscaped and kept in a neat and presentable condition. Landscaping shall be as indicated on the site plan.
- d. No mobile home shall be sited nearer than ten (10) feet to the boundary line of any individual site or lot. Minimum lot width shall be fifty (50) feet.

- e. The land parcel being proposed for a mobile home court or park shall be of such area as to provide for a minimum of at least twenty (20) sites and shall not exceed a maximum of one hundred (100) sites.
- f. For each mobile home space in the park, there shall be provided an area of not less than two hundred (200) square feet for outdoor recreation, with a minimum area of not less than five thousand (5,000) square feet, which shall be no longer than two times its width. Such area shall be developed and maintained by the management so as to provide recreation for the children housed in the mobile home park.

SECTION 12.6. STANDARDS FOR USES REQUIRING SPECIAL LAND USE PERMITS

In reviewing requests for Special Land Use Permits, the Zoning Administrator and the Zoning Board shall require compliance with any of the following as may reasonably apply to the particular use under consideration:

- a. The use, location and size of the proposed project and the nature and intensity of operations shall not be such as to disrupt the orderly and proper development of the district, as a whole, or to be in conflict with, or discourage the principle permitted uses of adjacent or neighboring lands and buildings.
- b. The use shall have only minimal detrimental impact on surrounding uses in the district, particularly in regard to traffic generation, servicing by trucks, hours of operation or pedestrian traffic.
- c. The use shall not diminish the value of land, buildings or structures in the neighborhood, or increase hazards from fire or other dangers to either the property or adjacent properties.
- d. The use shall not increase traffic hazards or cause congestion on the public highways and streets of the area. Adequate access to the site shall be furnished either by existing roads and highways or proposed roads and highways. Minor residential streets shall not be used to serve as access to uses having larger areawide patronage. Signs, buildings, plantings, or other elements of the proposed project shall not interfere with driver visibility or safe vehicle operation.
- e. Entrance drives to the use and to off-street parking areas shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from the boundary of a different zoning district.
- f. The water supply and sewage disposal system shall be adequate for the proposed use.

- g. The special land use shall not be more objectionable to the nearby properties by reason of traffic, noise, vibrations, dust, fumes, smoke, flashing lights, glare or disposal of waste than the operation of any use normally allowed within the zoning district.
- h. The proposed use shall be consistent with the Land Use Plan for Cheboygan County.

12.6.1. OUTDOOR SWIMMING POOLS

- a. Protective and adequate fencing shall be required around all outdoor swimming pools to be not less than four feet six inches above the established grade.

12.6.2. OUTDOOR THEATRES

- a. Points of ingress and egress shall be from streets and roads capable of serving the use, but shall not impair the use of abutting properties, especially residential uses.
- b. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space.
- c. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares.

12.6.3. COMMERCIAL TELEVISION AND RADIO TOWERS AND PUBLIC UTILITY MICRO-WAVES AND T.V. TRANSMITTING TOWERS

- a. Such uses shall be located centrally on a continuous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on each property line.
- b. Towers and structures shall be so constructed and placed that there is no danger of the structures falling on adjacent properties or off-premises electric power lines and further the operation of any such facilities shall not interfere with normal radio-television reception in the area.

12.6.4. RACE TRACKS (including midget auto and carting tracks). Because race tracks develop a concentration of vehicular traffic and cause noise levels which project beyond the property, race tracks shall be permitted only in the Commercial and Industrial Districts subject to the following conditions and such other controls as the Zoning Commission, after holding a hearing, deems necessary to promote health, safety and general welfare:

- a. All parking shall be provided as off-street parking within the boundaries of the development.

- b. All access to the parking areas shall be provided from major traveled roads. Approval of ingress and egress points by the police or sheriff authority having jurisdiction in the area shall be required.
- c. All sides of the development except access points shall be provided with twenty (20) foot wide greenbelt planting so as to screen from view all activities within the development.

12.6.5. RIDING ACADEMIES OR STABLES Commercial facilities for horseback riding may be allowed in the Commercial, Industrial and Forestry/Agricultural Districts, subject to review and approval of the Zoning Commission. Animal housing facilities must be located at least 300 feet from any off-premises residential structure.

12.6.6. VETERINARIAN HOSPITALS AND KENNELS Permitted in Commercial, Industrial and Forestry/Agricultural Districts, provided all facilities for housing, treating and keeping of animals are located at least five hundred (500) feet from a residential district boundary and provided further that all animals on the premises shall be housed within a completely enclosed building between the hours of 10:00 p.m. and 8:00 a.m.

12.6.7. GRAVEL AND MINERAL EXTRACTION, MINING AND QUARRYING ACTIVITIES Applicants for special land use permits to use land for gravel and mineral extraction and mining and quarrying activities must submit plans outlining their operation and reclamation procedures. The number of truck trips to and from the proposed site and the tonnage of material to be hauled shall be included with the operations plan. These figures shall be given as a daily or weekly average, as appropriate. The operations plan shall also include the proposed routing of trucks to and from the site.

The reclamation plan shall include an outline and commitment for restoring the land as closely as possible upon termination of its use to its original natural configuration and groundcover. Revegetation of the site and the elimination of uncovered holes and steep slopes shall be required as part of the reclamation plan.

SECTION 12.7. FENCES

12.7.1. In all Districts:

- a. Fences in any platted subdivision or lot of record shall not contain barbed wire or be electrified.
- b. No fence shall obscure the vision of drivers of vehicles at any driveway entrance or exit, street intersection or other pedestrian or vehicle property access point.

12.7.2. Walls or Fences for Protection or Screening - For non-residential uses, except farms, which abut a permitted residential use, or which are adjacent to and within 200 feet of a residential district boundary, there shall be provided and maintained fences or walls as required below.

<u>Specific Nonresidential Uses Requiring Fences or Walls</u>	<u>Fence or Wall Height at Property Line</u>	<u>Protective</u>	<u>Screening or Obscuring</u>
Drive-in Restaurants, gasoline stations & vehicle repair	6 feet	X	X
Institutional and school playground	6 feet	X	
Parking lot accessory to nonresidential uses	6 feet		X
Hospital and Funeral home service entrances	6 feet		X
Utility buildings and substations	6 feet	X	
Junk yards	8 feet	X	X
Open storage areas larger than 200 square feet	6 feet		X

All plans for fences or walls must be approved by the Zoning Administrator for construction specifications and shall be designed and maintained to fulfill the primary function of protection and/or screening.

The Board of Appeals is empowered to modify fence and wall requirements as deemed necessary by conditions affecting a particular development or to waive the requirements where no good purpose would be served by compliance with these standards.

SECTION 12.8. SIGNS AND BILLBOARDS

Such signs as will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise endanger public welfare, shall be permitted except as otherwise provided for herein.

a. Signs prohibited.

- 1) Signs containing flashing, intermittent or moving lights.
- 2) Signs with moving or revolving parts.
- 3) Signs affixed to trees, rocks, shrubs or similar natural features.
- 4) Signs that are insecurely fixed, unclear, in need of repair, or signs which imitate official traffic signals or traffic directional signs or devices.

- 5) Signs utilizing vehicles, trucks, vans, or other wheeled devices, or sandwich board signs, unless such signs are used for periods of less than seven (7) consecutive days in any ninety (90) day period or unless such signs have been approved by the Zoning Commission as meeting a special purpose and/or as being appropriate for the particular use.
- 6) Advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics, except when used temporarily for periods not to exceed fifteen (15) days to announce the opening of a new type of business or use by a new owner.
- 7) Signs which overhand or extend into a dedicated public right-of-way without the written consent of the governmental unit having jurisdiction.
- 8) Signs that have concrete foundations or other solid anchoring devices that project above the surface of the ground and located so as to constitute a safety hazard to vehicle traffic. The Zoning Commission may rule on the hazard potential of any proposed sign or sign structure and shall prohibit such sign or require a modification upon finding the presence of a safety hazard.

b. Signs requiring special approval.

- 1) In a D-MR Mixed Residential, M-AF Agricultural & Forestry Districts, a sign not exceeding 18 square feet in area advertising permitted services rendered or offered upon or from the premises where the same is situated may be constructed provided it is located not less than one-half the required building setback distance from the street right-of-way line abutting the property; it in no way constitutes a traffic hazard; is of a subdued nature commensurate with the residential or agricultural character of the neighborhood; is maintained in a neat and attractive manner; contains no neon or intermittent lighting or other bright or glaring lighting which would be a nuisance or annoyance to a neighborhood or which would create any electrical disturbance therein; and if projecting from a building or located over a sidewalk or passway is not less than 11 feet above such sidewalk or passway.
- 2) No advertising signs or billboards of any kind or nature shall be erected in a D-RS Residential District except a name plate not exceeding two (2) square feet in area containing the name and home occupation of the occupant of the premises and a temporary sign pertaining to the construction, lease, hire or sale of a building or premises not exceeding eight (8) square feet in area may be installed or constructed.
- 3) None of the foregoing signs shall be erected or installed unless a permit is first obtained from the Zoning Administrator.
- 4) Billboards may be erected in a D-CM Commercial or D-IN Industrial District provided they do not exceed 500 square feet in area; are set back not less than 75 feet from any abutting street right-of-way line; do not constitute a traffic hazard; are maintained in a neat and attractive manner; do not create a nuisance or annoyance by reason of lighting, electrical disturbance, or otherwise; and are not installed or constructed until a permit therefor have been received from the Zoning Administrator.
- 5) Advertising signs, advertising goods, products, services or activities sold, produced, rendered or available from or upon the premises where the signs are located, may be installed or constructed within a D-CM Commercial or D-IN Industrial District provided they are less than one-half the required building setback distance from the abutting street right-of-way line; in no manner constitute a traffic hazard; are not less than 11 feet above any sidewalk or

passway for pedestrians or vehicles beneath the signs; are not a nuisance or annoyance by reason of lighting, electrical disturbance, or unreasonable size, and are not constructed or installed until a permit has first been obtained from the Zoning Administrator.

- 6) No advertising sign or billboard permit shall be issued until the Zoning Administrator is satisfied the sign to be constructed complies with the provisions of this ordinance and will be constructed in a safe, sturdy, and durable manner with proper bracing, anchorage and foundation.
- 7) Signs within business, commercial or industrial areas, as defined in the "Highway Advertising Act of 1972" (1972 PA 106) bordering interstate highways, freeways, or primary highways as defined in said Act shall be regulated and controlled by the provisions of such statute, notwithstanding the provisions of this zoning ordinance.

c. Signs not requiring a zoning permit. The following, provided such signs are established in a lawful manner and place so as not to cause a nuisance or create a safety hazard.

- 1) Name plates.
- 2) Existing signs and existing signs that may be changed or altered so long as none of the provisions of the Zoning Ordinance are violated.
- 3) Bulletin boards for churches, public or semi-public institutions and/or schools.
- 4) Signs that have been approved in conjunction with a valid approved site plan or PUD.
- 5) Street name signs, route markers and other traffic control signs, signs established by or approved by state, county or township units of government when necessary for giving proper directions or otherwise safeguarding the public, in any zoning district.
- 6) Non-advertising signs erected by any organization, person, firm or corporation that is needed to warn the public of dangerous conditions and unusual hazards such as but not limited to: caving ground, drop offs, high voltage, fire danger, explosives, severe visibility limits, etc., in any district.
- 7) Non-advertising signs exclusively devoted to controlling property access (no trespassing, private property, keep out, no hunting, etc.,) provided the sign size limitations are observed.
- 8) Non-advertising signs demarking a historically significant place, building or area when sanctioned by national, state or local historic oriented agencies, provided the sign size limitations are observed.
- 9) Temporary signs not exceeding ten (10) square feet advertising premises for rent, lease or sale in any district. Such signs may be thirty two (32) square feet in Agricultural & Forestry, Commercial and Industrial Districts. All such signs shall be removed within fourteen (14) days of the consummated lease or sale of the premises.
- 10) Accessory signs in Agricultural & Forestry Districts, not to exceed thirty two (32) square feet, advertising stock, produce and other products produced or raised on the premises.
- 11) Accessory directional signs each not to exceed two (2) square feet in area on buildings, such as, but not limited to: entrance, exit, loading dock, low clearance, garage, office, warehouse, service and the like.
- 12) Temporary posters or signs announcing local community events involving educational, charitable, historical, institutional, sporting events or similar activities of general community significance.

SECTION 12.9. HIGHWAY AND RAILROAD INTERSECTIONS

- a. At the intersections of highways where grades are not separated, setback lines are hereby established across each sector between the intersecting highways. (Includes railroads.) Such setback lines shall be straight lines connecting points on the intersecting highway right-of-way lines.
- b. At the intersection of any Cheboygan County Primary or scenic-recreation road or any Michigan State trunkline highway with any other highway, said connection points shall be located one hundred (100) feet distant from the intersections of the highway right-of-way lines. At the intersection of any highway which is not included in either the Cheboygan County Primary or Michigan State trunkline system with any other such highway, said points shall be located fifty (50) feet distant from the intersection of the highway right-of-way lines.
- c. No building or structure of any kind, except necessary highway and traffic signs and open fences through which there shall be clear vision, shall hereafter be constructed, erected or moved into the space within such setback lines. Except as herein provided, no building or structure, except necessary highway and traffic signs, presently existing within such setback lines, shall be renewed or replaced hereafter in any way, except outside the setback lines.
- d. No building or structure within the established setback lines, except necessary highway and traffic signs and open fences hereinbefore mentioned, shall be altered, enlarged or added to in any way which will increase or prolong the permanency of any portion within the established setback lines.
- e. When any highway, or part thereof, is officially adopted into the Cheboygan County Primary Road or the Michigan State trunkline system, such highway shall automatically be subject to the provisions of this ordinance.

ARTICLE 13.

SPECIAL LAND USE PERMIT PROCEDURES & STANDARDS

SECTION 13.1. PURPOSE

13.1.1. Special land uses are those uses of land which are essentially compatible with the uses permitted in a zoning district, but which possess characteristics or locational qualities which require individual review in order to ensure compatibility with the character of the surrounding area, with public services and facilities and with adjacent uses of land. The intent of this Article is to establish equitable procedures and criteria which shall be applied in the evaluation and approval or disapproval of requests for special land uses. The criteria for decisions provided for under the provisions of this Article shall be in addition to other requirements contained in this Ordinance.

13.1.2. A site plan in accordance with Article 14 is required for submission and approval of all special land use permit applications.

13.1.3. The land uses requiring special land use permits are specified in the zoning district descriptions, Articles 4-11.

SECTION 13.2. SPECIAL LAND USE PROCEDURES

The following steps shall be taken by the applicant, zoning officials and review body when considering a proposed special land use:

13.2.1. All applications for special land use approval shall be filed with the Cheboygan County Zoning Administrator and shall include the required site plan, fee, statement with supporting evidence of the degree to which the proposed use meets the criteria and any other pertinent information upon which the applicant intends to rely for approval.

13.2.2. The Zoning Administrator shall, after preliminary review, forward the complete application to the County Planning Commission for their review and recommendation. The Planning Commission shall review the proposal for compatibility with the Cheboygan County Land Use Plan and return the application with their recommendation to the Zoning Administrator within 30 days of receiving the application.

13.2.3. The Zoning Administrator shall review the application and forward it, with his recommendation and the recommendation of the Planning Commission, to the County Zoning Commission for its next meeting.

13.2.4. The County Zoning Commission shall review the site plan according to the standards set forth in Article 14; they shall review the proposed special land use according to the requirements of the zoning district in which the proposed use is to be located, the standards set forth in this article, and all other applicable requirements of this ordinance.

SECTION 13.3. NOTICE REQUIREMENTS

The Zoning Commission shall give public notice in a newspaper of general circulation of official receipt of an application for a special land use permit which:

- A - Describes the nature of the special land use request.
- B - Indicates the property in question.
- C - States the time and place where the special land use request will be considered.
- D - Indicates when and where written comments will be received concerning the request, and
- E - Indicates that a public hearing on the proposed special land use may be requested by any property owner or the occupant of any structure located within 300 feet of the boundary of the property being considered or by the County Zoning Commission.

This notice shall also be mailed or delivered to property owners and occupants within 300 feet of the property in question. If a special land use permit application is filed for a property located within the Natural Rivers Protection District or within 300 feet of this District, notice shall also be sent to the Natural Rivers Unit of the Michigan Department of Natural Resources, Land Resource Programs Division. Those notices shall be made between 5 and 15 days prior to the date of which the application is to be considered. An affidavit of mailing or delivery of notice shall be maintained by the Zoning Administrator. If an affected property owner requests a public hearing, the County Zoning Commission shall hold one.

SECTION 13.4. APPROVAL PROCEDURES AND STANDARDS

13.4.1. After considering the recommendations of the Zoning Administrator, Planning Commission, and the information provided, if any, at a public hearing, the Zoning Commission shall either:

- A. Approve the special land use permit application and final site plan and direct the zoning administrator to issue the special land use permit, or

B. Approve the special use permit application and the final site plan subject to conditions which are imposed in order to insure the special land use complies with standards stated in this ordinance; the Zoning Administrator shall then be directed to issue the special approval use permit, or

C. Disapprove application and final site plan.

All decisions shall be accompanied by a concluding statement citing the reasons for the decision and any conditions imposed.

13.4.2. In approving, approving with conditions or disapproving special land use requests, the Zoning Commission shall insure conformance with the conditions and standards contained in this ordinance, with particular attention to Article 3 through Article 12, and specifically Section 12.6.

SECTION 13.5. VIOLATION

If the conditions and stipulations agreed upon in granting a special land use permit are not adhered to, the applicant shall be subject to the provisions of SECTION 16.9. of this ordinance.

SECTION 13.6. APPEAL

The decision of the Zoning Commission may be appealed by the property owner or his or her designated agent to the Cheboygan County Board of Appeals. Request for appeal may be made by written letter from the applicant to the Chairman of the Board of Appeals within 30 days of disapproval, approval by modification, or revocation of the site plan by the Zoning Commission.

ARTICLE 14. PLANNED UNIT DEVELOPMENT

SECTION 14.1 PURPOSE The purpose of these Planned Unit Development (PUD) provisions is to permit and encourage design flexibility within certain specific zoning districts of this ordinance through use of the Special Land Use Permit procedures. The PUD technique as described in this ordinance will enable both developers and Cheboygan County officials to propose, review and agree upon site plans which integrate housing, circulation networks, nonresidential facilities and open space/recreational areas which are compatible with the natural environment.

SECTION 14.2 USES PERMITTED No use will be permitted in a PUD that is not permitted in the zoning district in which a PUD is proposed.

SECTION 14.3 APPLICATION AND APPROVAL PROCEDURES The following procedures shall be used for the review and approval of a Planned Unit Development application.

14.3.1. Prior to the submittal of a PUD special land use permit application, the applicant is encouraged to informally meet with the Cheboygan County Zoning Administrator to inform county officials of his general intentions and to give the applicant detailed information on the required procedures for such a permit application. At this pre-application conference, the applicant should provide the Zoning Administrator with two copies of a concept plan for the proposed PUD. This concept plan should include information on the types and placement of residential structures, utilities and public facilities, and recreational facilities; minimum lot sizes; densities; landscaping and environmental treatment; pedestrian and auto circulation; the compatibility of the proposed development with surrounding uses; financing of the project; and such other information local administrative agencies and legislative bodies may require to gain a satisfactory understanding of the proposed development. The Zoning Administrator shall keep on file documentation signed by the prospective applicant, of any pre-application conference. Following this pre-application conference, the Zoning Administrator shall present the concept plan to the Cheboygan County Zoning Commission at their next regular public meeting for their information and review.

14.3.2. Preliminary Plan Following a pre-application conference, if any, the applicant shall submit a preliminary plan for the PUD in accordance with those provisions outlined below. The preliminary plan must contain that information which is required of a site plan as set forth in Article 15 of this ordinance.

A. General Requirements for the Preliminary Plan

1. A statement of the objectives of the planned unit development, including physical, social and economic considerations.
2. A schedule of development, including phasing of residential, public, and open space/recreation areas.
3. Future selling and/or leasing intentions and accompanying management techniques.
4. A tabulation of the land area percentages (by land use type) for residential, public, utility and open space/recreation areas.
5. Any additional information that has been gathered by the developer that would be useful in giving the Zoning Commission a description of the proposed project.

B. Graphic Requirements for the Preliminary Plan

1. A base map with topographic identification (using a minimum of five (5) foot contour intervals or less if the Zoning Commission determines that site conditions require more detail) plus important environmental features (including, but not limited to water bodies, surface drainage, vegetation and soils).
2. Additional maps identifying:
 - a. proposed lot lines and the location and floor areas of proposed buildings
 - b. existing and proposed pedestrian and vehicular circulation routes and off-street parking areas
 - c. existing and proposed utility systems
 - d. areas to be dedicated for open space and/or public use
 - e. plans of proposed landscape work
 - f. general descriptions of architectural and landscape elements within the proposed development

C. Additional Requirements for the Preliminary Plan, if requested by the Zoning Commission.

1. Information on the projected demand of the development to determine the feasibility of the proposed land use development

2. Detailed information on the development's impact on soils, surface and groundwaters, existing vegetation, wildlife and other natural features of the site.

The preliminary plan shall be submitted to the Zoning Administrator and Zoning Commission by the applicant when all necessary requirements have been met. The Zoning Administrator shall present all material submitted by the applicant to the Zoning Commission at their regular public meeting. The Zoning Commission shall then have 30 days from the date of the public meeting at which said preliminary plan is submitted, to solicit the recommendations from the Planning Commission, County Soil Conservation District, the Township in which the PUD is proposed, the District Health Department, the County Drain Commissioner and the Cheboygan County Road Commission.

The Zoning Commission shall review the preliminary plan and advise the applicant of any changes that are required. A formal response shall be given to the applicant on the preliminary plan, including all recommendations and comments of the Zoning Commission.

14.3.3. Final Plan Once the applicant has been advised of the comments on the preliminary plan, he must submit a final plan to the Zoning Commission within nine (9) months. The final plan shall include all modifications from the preliminary plan, any additional necessary or pertinent legal documents, and detailed drawings or plans of elements which were presented in general fashion in the preliminary plan. During this time, the applicant must also submit a formal application for a Special Land Use Permit, following the procedures outlined in Article 13.

After receiving the final plan and the Special Land Use application, the Zoning Commission shall conduct a public hearing on the PUD proposal, following the notice requirements of Section 13.3. The Zoning Administrator is to notify the Planning Commission of the submittal of the final development plan and Special Land Use request to solicit their final review and comments. The Planning Commission shall forward any pertinent comments to the Zoning Commission within thirty (30) days after being notified by the Zoning Administrator. The Zoning Commission shall approve, approve with modifications, or disapprove the final plan within forty-five (45) days after submittal by the applicant. All decisions must be based upon those standards presented in this article pertinent to Planned Unit Developments.

The Zoning Commission shall also act on the PUD Special Land Use request within 45 days of submittal by the applicant. Approval, approval with modifications or disapproval of the Special Land Use request shall follow the procedures outlined in Article 13.

If the final plan or Special Land Use request is disapproved by the Zoning Commission, reasons of the denial shall become part of the public record and shall be presented to the applicant in written form.

14.3.4. Modification to Final Plan If it becomes necessary, due to unforeseen circumstances, to modify the approved final plan, the applicant shall submit, in writing, the situation regarding the need for modification, reasons for modification, and specifications of the proposed changes to the Zoning Administrator. The Zoning Commission shall then, after being notified by the Zoning Administrator, review the proposed changes and solicit recommendations from the Zoning Administrator and Planning Commission. The Zoning Commission shall approve the modifications, propose alternative changes or disapprove (adhere to approved final plan). In any event, the Zoning Commission must ensure that the standards set forth in this Article are not violated by the proposed changes to the final development plan.

14.3.5. Design Requirements All Planned Unit Developments shall adhere to the following conditions and standards:

A. General

1. The minimum site size shall be twenty (20) acres
2. All PUD's shall be controlled by one owner or group of owners and shall be planned and developed as a single project
3. Exclusions from gross area - Identifiable flood plains, wetlands, significant organic soils, bodies of water and areas with slopes averaging 20% or more shall be specifically excluded from all building improvements and shall not be considered in determining the developable area of the PUD.

B. Environmental Design Requirements

Within the designated developable boundary, the Zoning Commission shall require the following: preservation of existing trees to the greatest extent possible, predominant shrubbery, waterways, scenic viewing areas, historic points, and the planting of native and ecologically compatible vegetation or placement of protective cover on slopes of 12% - 19% to minimize hillside erosion resulting from land development and any streets and walkways. The Zoning Commission shall require that the applicant demonstrate that building activity will occur on portions of the site with soils most suitable for development.

Any portion of the PUD site, if deemed environmentally significant, and not already excluded from the developable area, may upon review by the Zoning Commission, be preserved in its natural state.

The internal vehicular circulation system of the PUD shall be designed and constructed so as not to reduce the slope of the natural terrain by more than 7%.

C. Perimeter Treatment

To provide adequate separation between the PUD and the surrounding land uses, a buffer zone shall be established on the perimeter of the development, in which no structures are to be located. The buffer zone shall be at 20 feet deep and may extend up to 100 feet depending on the PUD's compatibility with surrounding uses. Adequate screening and landscaping or protection by natural features shall be included in the buffer zone.

D. Open Space

Open space, as defined by the Zoning Commission for the purposes of these PUD design requirements, refers to those areas specifically for common use by all residents or homeowners of the Planned Unit Development. In an effort to preserve and enhance open space and to provide adequate recreational areas for residential developments, the designated common open space shall comprise at least 30% of the total developable area of the PUD to be used for recreational, park, or environmental amenities for collective enjoyment by occupants of the development but shall not include public or private streets, driveways, or utility easements, provided, however, that up to 10% of the required open space may be composed of open space on privately owned properties dedicated by easement to assure that the open space will be permanent.

E. Densities for Residential Development

Since the Planned Unit Development concept is designed to encourage flexible and innovative building patterns, density requirements shall be based on the number of dwelling units per acre rather than the traditional minimum lot size requirements which would normally be applicable to the zoning district in which the PUD is located. The density requirements for residential uses in Planned Unit Developments shall be four and one-half ($4\frac{1}{2}$) dwelling units per developable acre.

Density increases may be permitted by the Zoning Commission for the following reasons:

1. The following formula shall be used in determining the increase of total additional dwelling units to be allowed as an incentive for

designating additional open space within the developable area of the PUD.

For Planned Unit Developments of 80 acres or more:

Additional acres of open space provided (beyond the minimum requirement for the developable areas of the PUD)	Increase in number of dwelling units allowed per acre of developable land:	
	For unimproved open space	For improved open space
5 - 6	.50	.55
7 - 8	.75	.80
9+	1.00	1.05

For Planned Unit Developments of 20 - 79 acres:

Additional acres of open space provided (beyond the minimum requirement for the developable areas of the PUD)	Increase in number of dwelling units allowed per acre of developable land:	
	For unimproved open space	For improved open space
5 - 6	1.1	1.2
7 - 8	1.5	1.7
9+	2.3	2.5

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2. For the development of a nature interpretive trail through the non-developed lands of the PUD, including such improvements as wood chip trails, wooden stairways or boardwalks, interpretive signage for significant natural features or plant and animal species, and other facilities designed to advance the appreciation of the natural environment, the Zoning Commission may allow up to one additional dwelling unit per every four (4) acres of developable land.
 3. For the employment of unusually attractive or innovative building design or grouping, such as clustering, sun orientation, variation of building setbacks or other design features determined to significantly improve the character of the PUD, the Zoning Commission may allow a density increase up to one additional dwelling unit per every five (5) acres of developable land.

4. For the use of additional or attractive landscaping, particularly in the screening of parking areas, accessory buildings, public facilities, or utilities, the Zoning Commission may allow for a density increase up to one additional dwelling unit per every five (5) acres of developable land.

NOTE: Any fractional number of dwelling units (for the total developable area) shall be rounded to the next lowest whole number.

F. Building Spacing

While the traditional front, side and rear yard setback requirements are not necessarily required for Planned Unit Developments, the Zoning Commission will establish minimum spacing distances between structures to assure adequate light, air, privacy and fire protection for all residents. The following standards are established to achieve these objectives.

1. When buildings are designed to provide adequate privacy, light and air, and effective utility of space for residents, there may be a reduction allowed in the spacing of structures.
2. Front yard requirements: In those areas where street design reduces traffic flow, adequate screening or landscaping is provided, the residence, if facing onto a common open space, or through interior room design minimizing the use of the front yard, front yard requirements may be reduced from the standards for the zoning district in which the PUD is proposed.
3. Lot width requirements: Those lots which have an awkward configuration, yet allow adequate light and ventilation between the structures, may reduce their lot width requirements from the standards for the district which the PUD is located. This reduction must not interfere with the maintenance of adequate light, ventilation, and access for structures in the PUD.
4. Building heights: To ensure adequate light, ventilation, and open space amenities in the PUD while allowing a variety of building types and densities, building heights should be part of the review process. However, to protect the character of the area, a maximum building height of thirty-five (35) feet shall be instituted.

G. Parking standards

1. For each dwelling unit, there shall be a minimum of two off-street parking spaces consisting of not less than 180 square feet each;
2. For all other land uses, parking spaces shall be provided as required in Section 12.2.8., Supplemental Standards;
3. Parking areas shall be arranged so as to prevent through traffic to other parking areas;
4. Parking areas shall be screened from adjacent roads, structures, and traffic arteries with hedges, dense planting, earth berms, changes in grade or walls;
5. No more than 12 parking spaces shall be permitted in a continuous row without being interrupted by landscaping;
6. No more than 60 parking spaces shall be accommodated in any single parking area;
7. All streets and any off-street loading area shall be paved, and the design thereof approved by the Zoning Commission; all areas shall be marked so as to provide for orderly and safe loading, parking and storage;
8. All parking shall adequately be graded and drained to dispose of all surface water without erosion, flooding, or other inconveniences.

H. Circulation Standards

Internal circulation systems and points of ingress and egress with external traffic flow must be coordinated with the PUD and in relation to the community as a whole. These systems shall promote safety, convenience, easy access, separation of vehicles from pedestrians, and enhance the overall physical design of the PUD. Vehicular circulation systems in PUD's should not be connected with external streets to discourage through traffic. Emergency access and safety standards shall be adhered to. These standards apply to the location of residences relative to the community and the overall design of the PUD.

All streets within the PUD must be designed to accommodate anticipated traffic loads, including volume, vehicle weight and size, speed, emergency vehicles, and turning radii. Street construction drawings must be accompanied by a report from a qualified road engineer to assure the adequacy of the design and also a written review from the superintendent/engineer of the Cheboygan County Road Commission.

ARTICLE 15.

SITE PLAN REVIEW - PROCEDURES & STANDARDS

SECTION 15.1. PURPOSE

The site plan allows the County Zoning Commission an opportunity to more closely examine a proposed development. Through the use of site plan review procedures, the Commission can insure that public services and facilities affected by a proposed development will be capable of accommodating increased service and facility loads caused by the development and that the new land use or activity is compatible with adjacent uses and activities. The Commission can determine if adequate steps have been taken to protect the natural resources and conserve energy, and to promote the use of land in a socially and economically desirable manner.

SECTION 15.2. CIRCUMSTANCES REQUIRING A SITE PLAN

Site plans are subject to review for the following uses:

- 15.2.1. All Special Land Use permit applications in all zoning districts in this ordinance.
- 15.2.2. Any new construction taking place in the Commercial Development or Industrial Development Districts.
- 15.2.3. Any development of 2 acres or more in the Natural Rivers Protection District.
- 15.2.4. All Planned Unit Developments.
- 15.2.5. Uses and structures permitted by right, which, by their nature, have been determined to have unique impact on their proposed site and surrounding areas.

SECTION 15.3. SITE PLAN DATA REQUIRED

Each site plan shall contain the following information, unless specifically waived, in whole or in part, by the County Zoning Commission:

- 15.3.1. The date, north arrow, scale and name of the individual or firm responsible for preparing the site plan. The scale must be at least 1 inch to 50 feet for sites under 3 acres and at least 1 inch to 100 feet for sites of 3 acres or more.
- 15.3.2. The boundary lines of the property, to include all dimensions and legal descriptions.

- 15.3.3. The location of all structures on the site, including proposed drives, walkways, signs, exterior lighting, parking areas, loading and unloading areas, common use areas and recreational areas and facilities.
- 15.3.4. The location and widths of all abutting right-of-ways.
- 15.3.5. The location of significant environmental features, such as streams, wetlands, shorelands, or woodlots.
- 15.3.6. The location and identification of all existing structures within a 200 foot radius of the site.
- 15.3.7. The name and address of the property owner.
- 15.3.8. The existing zoning district in which the site is located and, in the case of a request for a zoning change, the classification of the proposed new district.
- 15.3.9. The location of all existing vegetation and proposed landscaping as well as all existing and proposed fences or walls.
- 15.3.10. A locational sketch of the proposed use or structure.
- 15.3.11. The type, location and size of all utilities existing and proposed for the site.
- 15.3.12. The location, size and slope of all subsurface drainage facilities.
- 15.3.13. The topography of both the existing and finished site, with contour shown in 5 foot intervals, or less if the Zoning Commission determines that site condition requires more detail.
- 15.3.14. Site plans for proposed structures in residential and commercial districts, shall contain the following information:
 1. The number of dwelling units proposed, by type, including a typical floor plan for each type of unit.
 2. The residential area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 3. Typical elevation drawings of the front and rear of each building.

SECTION 15.4. SITE PLAN SUBMITTAL AND APPROVAL PROCEDURES

All site plans, required as stated within this ordinance, shall be submitted by the petitioner (property owner or designated agent) to the office of the Zoning Administrator in 3 copies. The Zoning Administrator shall cause the request for approval to be put on the agenda of the next regularly scheduled

Zoning Commission meeting, provided that such meeting is scheduled to be held at least forty-eight hours after the applicant has submitted the site plan to the Zoning Administrator's office. . If the regularly scheduled Zoning Commission meeting is to be held within forty-eight hours of such submittal by the applicant, the Zoning Administrator shall schedule the applicant's hearing for the next following regularly scheduled Zoning Commission meeting.

The Zoning Commission shall have the responsibility to approve, approve with specified changes and/or conditions, or disapprove the applicant's request, using the standards for site plan review described in Section 15.5. of this ordinance. Any conditions imposed by the Zoning Commission will be necessary to insure that the proposed development scheme concurs with the stated purposes and intents of this ordinance.

Conditions or changes stipulated by the Zoning Commission shall be recorded in the minutes of the meeting and a copy of said conditions or changes given to the applicant and Zoning Administrator. An approved site plan request shall contain the signatures of the Chairman of the Zoning Commission and the Zoning Administrator.

Of the 3 copies of the site plan submitted by the applicant, 1 copy shall be kept on file by the Zoning Commission, 1 copy retained in the Zoning Administrator's office and 1 copy retained by the applicant.

SECTION 15.5. STANDARDS FOR SITE PLAN APPROVAL

In making a determination on the proposed site plan, the Zoning Commission shall use the following criteria to determine compliance with this ordinance.

- 15.5.1. Ingress & Egress - The location and design of driveways for vehicles entering or leaving the site shall be established so as not to conflict with traffic patterns along existing streets and roadways or with sidewalks or paths used for pedestrian or bicycle traffic.
- 15.5.2. Circulation & Parking - Internal circulation and parking systems shall be designed to assure the safety and convenience of both vehicular and pedestrian traffic on the site. The normal operation of lighting equipment along internal roadways and parking areas or of lights from vehicles within the development shall be compatible with existing and prospective developments on adjacent properties.
- 15.5.3. Utilities - Public services and utilities for the site shall be adequate to meet the projected needs of the development. Structures and facilities for these utilities and services shall be

designed and located so as to minimize the amount of useable land taken up by them on the site. The operation of the utilities and services shall pose no threat to persons involved in normal activities on the site.

- 15.5.4. Compatibility with Zoning District Requirements - The proposed location and operation of all buildings and activities on the site must meet all requirements specified for the zoning district in which it is located. Buildings and activities shall be compatible with the permitted uses of the zoning district. Any noise, light, dust, fumes, vibration, or odor emitted by uses proposed on the site shall be no more objectionable to adjoining properties than uses normally permitted within the zoning district. The proposed use shall not hinder or discourage the appropriate development and use of adjoining properties and neighborhoods.
- 15.5.5. Building Location & Use - The proposed location and use of buildings shall be compatible with development on adjacent parcels. Light, noise or other items which may be emitted from the proposed buildings or uses shall not interfere with normal activities on adjacent parcels.
- 15.5.6. Environmental Design Features - The proposed development shall minimize changes to important environmental features of the site. Construction shall be directed away from any poor load bearing soils or flood plains. Existing trees, vegetative cover and other natural features shall be maintained to the greatest extent possible. Landscaping to protect the natural features of the site and to enhance the overall quality of the development shall be used whenever possible. Disruptions to the natural drainage patterns on the site shall be minimized in order to limit the amount of run-off increase due to construction and development activities.

SECTION 15.6. CONFORMITY WITH & AMENDMENTS TO THE SITE PLAN

Once the site plan is approved, it shall become a part of the record of approval for the proposed development. Changes must meet with the mutual approval of the landowner and the Zoning Commission. Any changes must conform to the requirements of this ordinance.

SECTION 15.7. FEES

Accompanying the request for approval of a site plan, a fee, to be determined by the County Board of Commissioners, shall be submitted. Said fee is for

the purpose of defraying administrative costs in processing the request for approval. Such fee may be used for reimbursing another party retained by the Zoning Commission for expert consultation relative to the application.

SECTION 15.8. VIOLATION

If the conditions and stipulations of an approved site plan are not adhered to, the applicant shall be subject to the provisions of Section 16.9 of this ordinance.

SECTION 15.9. APPEAL

The decision of the Zoning Commission may be appealed by the property owner or his or her designated agent to the County Board of Appeals.

ARTICLE 16.

ADMINISTRATION AND ENFORCEMENT

SECTION 16.1. REVERSION OF REZONED AREA

In the case of land which has been approved for a zoning change, construction on such parcel must begin within a period of one year from approval of such zone change. If construction does not commence within this period, the Zoning Administrator shall request the zoning commission for a decision on whether to allow an extension of time, or whether to initiate rezoning for the purpose of returning the land to the previous zoning designation, or to another appropriate designation. The process for returning the land to its previous zoning designation must be in compliance with the amendment process as provided in this ordinance.

SECTION 16.2. ENFORCEMENT

The provisions of this ordinance shall be administered and enforced by the County Zoning Code Administrator. The Zoning Administrator may delegate members of his department to enforce the provisions of this ordinance.

If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

The Zoning Administrator shall record all nonconforming uses existing at the effective date of this ordinance for the purpose of carrying out the provisions of the Section, "Nonconformities".

The Zoning Administrator shall establish and maintain an indexed file of all variances and zoning changes which have been approved subsequent to the date of adoption of this ordinance.

The Zoning Administrator shall under no circumstances be permitted to make changes to this ordinance or to vary the terms of this ordinance in carrying out his duties as Zoning Administrator.

The Zoning Administrator shall not refuse to issue a permit when the conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

With regard to the Shorelands Protection and Management Act, and the regulation of development within the high risk erosion area zone as prescribed in Article 9., the duties of the Zoning Administrator shall include, but are not limited to:

1. Maintaining all records, property descriptions and maps pertaining to designated high risk erosion areas.
2. Determining the location of the bluffline and enforcing the minimum setback requirements for principal structures from the bluffline.
3. In the case of denying a zoning permit for failure to comply with the minimum setback requirement, the Zoning Administrator shall inform the property owner of the right to appeal, the conditions under which an appeal will be granted, and he shall further inform the Zoning Board of Appeals and Department of Natural Resources at the time an appeals action is initiated. Written notice of the appeal from the minimum setback requirement or other requirements shall be given to the Department of Natural Resources at least 14 days prior to the hearing before the Zoning Board of Appeals.

SECTION 16.3. ZONING PERMITS

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Zoning Administrator. No permit shall be issued except in strict conformity with the provisions of this ordinance, unless the Zoning Administrator receives a written order from the Zoning Board of Appeals.

The Zoning Administrator shall have the power to issue zoning permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or any permits for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance.

The Zoning Administrator shall require that every application for a permit for excavation, construction, moving, or alteration or change in type of use or the type of occupancy be filed in duplicate and accompanied by written statement and, as applicable, dimensioned plans or plats drawn to scale, and showing the following:

- a. The actual shape, location, and dimensions of the lot.
- b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.

- c. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- d. The lines of the lots or parcels under separate ownership therein.
- e. The names and widths of abutting pavements and rights-of-way.
- f. The signature of the fee holder owner of the premises concerned.
- g. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

One copy of the application shall be returned to the applicant by the Zoning Administrator, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original application, similarly marked, shall be retained by the Zoning Administrator, maintained on file and available to the public for inspection upon request during normal business hours. In all cases when the Zoning Officer shall refuse to issue a permit, he shall state such refusal in writing with the cause and reasons for said refusal.

The Zoning Administrator shall void any permit which has been issued on the basis of false or misrepresented information on the permit application.

SECTION 16.4. EXPIRATION OF ZONING PERMIT

If the work described in any permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Zoning Officer and written notice thereof shall be given to the persons affected.

SECTION 16.5. CONFORMANCE WITH APPROVED PLANS

Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and do not authorize other use, arrangement, or construction. Use arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by SECTION 16.9.

SECTION 16.6. CERTIFICATES OF OCCUPANCY

It shall be unlawful to use or permit the use of any land, building, or structure for which a permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Zoning Administrator shall have issued a Certificate of Occupancy to the applicant for the permit in effect stating that the provisions of this ordinance have been complied with.

- a. Temporary Certificates. Certificates of Temporary Occupancy may be issued for a part of a building or structure prior to the occupancy of the entire building or structure, provided that such Certificate of Temporary Occupancy shall not remain in force more than 90 days, nor more than 30 days after the building or structure is fully completed and ready for occupancy; and provided further, that such portions of the building or structure are in conformity with the provisions of this ordinance.
- b. Records of Certificates. A record of all Certificates of Occupancy shall be kept in the office of the Zoning Administrator and copies of such Certificates of Occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.
- c. Certificates for Accessory Buildings to Dwellings. Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.
- d. Application for Certificates. Certificates of Occupancy shall be applied for in writing to the Zoning Administrator coincidentally with application for building permits and shall be issued within 5 days after notification of completion of the building, if it is found that the building or structure, or part thereof, or the use of the land is in accordance with the provisions of this ordinance. If such Certificate of Occupancy is refused for cause, the applicant shall be notified of such refusal and the cause thereof within the aforesaid 5 day period.

SECTION 16.7. FINAL INSPECTION

The recipient of any permit for the erection, construction, alteration, repair or moving of any building, structure, or part thereof, shall notify the Zoning Officer immediately upon the completion of the work authorized by such permit, for a final inspection.

SECTION 16.8. FEES

Fees for inspections and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this ordinance shall be collected by the Construction Code Office in advance of the issuance of such permits or certificates.

SECTION 16.9. ENFORCEMENT PROCEDURES, PENALTIES

The following enforcement procedures and penalties shall apply:

- a. Violations. Buildings erected, altered, moved, raised, or converted or any use of land or premises carried on in violation of any provision of this ordinance are declared to be a nuisance per se. Any and all buildings or land use activities considered possible violations of the provisions of this ordinance shall be reported to the Zoning Administrator.
- b. Inspection of Violations. The Zoning Administrator shall inspect each alleged violation of this ordinance and issue an order to correct to the offender within thirty (30) days of his inspection.
- c. Correction Period. All violations shall be corrected within a period of thirty (30) days after the order to correct is issued or in such longer period of time, not to exceed six (6) months, as the Board of Zoning Appeals shall permit. A violation not corrected within this period shall be reported to the Zoning Administrator who shall initiate prosecution procedures.
- d. Penalties. Every person, corporation or firm who violates, disobeys, omits, neglects or refuses to comply with any provision of this ordinance or any permit, license or certificate granted hereunder or any lawful order of the Zoning Administrator, the Board of Zoning Appeals, or the County Board of Commissioners, issued in pursuance of this ordinance, shall be guilty of a misdemeanor. Upon conviction thereof, he shall be punishable by a fine of not to exceed one hundred (\$100.00) dollars, or by imprisonment for not to exceed ninety (90) days or both. Each day during which a violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this ordinance.

Any person who shall commence the construction of any building or established a new land use without first obtaining a valid permit as required by law shall be penalized to the extent of paying double the amount of the required permit fee, in addition to any other penalties that may be levied in the enforcement of this ordinance and the prosecution of violations thereof.

SECTION 16.10. REMEDIES

The Zoning Administrator, the Board of Appeals, County Board of Commissioners, or any interested party, may institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin, abate or remove any

violation of this ordinance. The rights and remedies herein provided are civil in nature and in addition to criminal remedies.

SECTION 16.11. SCOPE OF REMEDIES

The rights and remedies provided in this ordinance are cumulative and are in addition to all other remedies provided by law. All monies received from penalties assessed shall be distributed in accordance with the prevailing statutes.

ARTICLE 17.

NON-CONFORMING USES, STRUCTURES

SECTION 17.1.

Lawful non-conforming uses or structures in existence or under construction at the time of passage of this ordinance may be continued but shall not be extended, added to or altered unless such extension, addition or alteration is in conformity with the provisions of this ordinance.

SECTION 17.2.

If the cost of repair or replacement of a non-conforming use or structure which has been destroyed by reason of windstorm, fire, explosion or any act of God or the public enemy exceeds 50% of the total replacement cost of the use or structure, such use or structure shall not be continued or rebuilt except in conformity with the provisions of this ordinance.

SECTION 17.3.

If the non-conforming use of any land or structure shall terminate for a continuous period of time exceeding one year, such use shall not be re-established and any future use of the land and structure shall be in conformity with this ordinance.

SECTION 17.4.

If a non-conforming use is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a non-conforming less restrictive use.

SECTION 17.5.

Notwithstanding the foregoing, a home located in a zone which does not permit the same may still be altered, expanded and/or rebuilt.

SECTION 17.6.

Nothing in this ordinance shall prevent the strengthening of a lawful, non-conforming building or structure, or point thereof, which has been declared unsafe by the Zoning Administrator, building official or public health inspector, nor the requirement to adhere to the lawful orders of such individuals.

SECTION 17.7.

No lot or lots, nor yard, court, parking space or any other space shall be so divided, altered or reduced as to provide less than the minimum allowable area and dimensions set forth in this ordinance. If such areas are already less than the minimum allowable area or dimensions set forth in this ordinance, they shall not be divided, altered or reduced further.

SECTION 17.8.

Any non-conforming lot or legal conforming lot described in a deed or land contract which becomes substandard as a result of establishing the high risk erosion areas as described in SECTION 9.2.3. of this ordinance shall not be used for establishing a principal structure except if a special exception is granted under the terms of ARTICLE 9., SECTION 9.7. of this ordinance.

ARTICLE 18.

BOARD OF APPEALS

SECTION 18.1. CREATION AND MEMBERSHIP

There is hereby established a Board of Appeals which shall perform its duties and exercise its powers as provided in Act 183 of the Public Acts of 1943, as amended and in such a way that the objectives of this ordinance shall be observed, public health, safety and welfare assured and justice served. The Board shall consist of the following five (5) members.

18.1.1. One member shall be a member of the County Zoning Commission.

18.1.2. Each member shall be chosen from the electors residing in the unincorporated areas of the county.

18.1.3. An elected officer of the county or an employee of the County Board of Commissioners may not serve simultaneously as a member of or as an employee of the Board of Appeals.

18.1.4. All members shall be appointed by the County Board of Commissioners to serve staggered terms of three (3) years.

SECTION 18.2. BOARD MEETINGS

18.2.1. The Board of Appeals shall not conduct business unless a majority of the members are present. Meetings of the Board of Appeals will be held at the call of the chairman, and at other such times and places as the Board of Appeals may determine. All meetings shall be open to the public. The Board of Appeals shall keep minutes of all its proceedings and shall keep records of its findings, proceedings at hearings and other official actions, all of which shall be filed in the office of the Zoning Administrator, and shall be a public record. The Board of Appeals shall adopt its own rules of procedure for meetings.

18.2.2. The concurring vote of a majority of the members present shall be necessary to reverse or amend any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the appellant on any matter upon which they are required to pass or to affect any variation to the Zoning Ordinance.

SECTION 18.3. APPEAL

18.3.1. The Board of Appeals shall, when called upon, act upon all questions as they arise in the administration of this zoning ordinance including

interpretation of the county zoning map. Such an appeal may be taken by any person aggrieved, or by any officer, department, board, or bureau of the county or state. It shall hear and decide appeals from and review any order, requirements, decisions or determinations made by the Zoning Administrator.

18.3.2. An appeal shall be taken within such time as shall be prescribed by the Board of Appeals. The appeal, in writing and specifying the grounds for the appeal, shall be filed with the Zoning Administrator. The Zoning Administrator shall forthwith transmit the appeal to the Board of Appeals along with all the papers constituting the record upon which the action appealed was taken.

18.3.3. An owner of property, or his authorized agent, shall not file an appeal for a zoning variance affecting the same parcel more often than once every twelve (12) months. An exception to this rule may be made in those cases where the Board of Appeals determines that: (a) conditions affecting the property have changed substantially, or (b) the nature of the request has changed substantially from the date of the previous petition.

SECTION 18.4. STAY

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application.

SECTION 18.5. JURISDICTION

The Board of Appeals shall have the following powers and it shall be its duty:

18.5.1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance.

18.5.2. In hearing and deciding appeals, the Board of Appeals shall have the authority to grant such variances therefrom as may be in harmony with the general purpose and intent of this Ordinance, as will assure public health, safety and welfare and will serve justice, including the following:

18.5.2.1. Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the zoning map.

other property or improvements in the district in which the property is located.

18.5.4. If a variance from the terms of this ordinance is requested in High Risk Erosion Designated Areas A or B as described in Section 9.2.3., notification of such a request shall be made by the Board of Appeals to the Shorelands Section of the Michigan Department of Natural Resources, Land Resource Programs Division.

18.5.5. Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the County Board of Commissioners in the manner hereinafter provided by law.

SECTION 18.6. APPROVAL PERIODS

No order of the Board of Appeals permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within the said period; provided, however, that such order shall continue in force and effect, if a permit for said erection or alteration has been obtained, and said work is started and proceeds to completion in accordance with said permit.

SECTION 18.7. NOTICE OF HEARING

The Board of Appeals shall make no recommendation except in a specific case and after a Public Hearing conducted by said Board. A notice of the time and place of such hearing shall be published in a paper of general circulation in the County at least fifteen (15) days previous to the hearing. Such notice shall contain the address, if available, and location of the property for which the variation or other ruling by the Board of Appeals is sought, as well as a brief description of the nature of the appeal. For a variance request on a property located within the Natural Rivers Protection District, notice of the hearing shall also be sent to the Natural Rivers Unit of the Michigan Department of Natural Resources, Land Resource Programs Division. For a property located within the High Risk Erosion Areas designated in the Lake and Stream Overlay Protection District, notice of a variance hearing shall be sent to the Shorelands Section of the Michigan Department of Natural Resources, Land Resource Programs Division.

- 18.5.2.2. Permit the erection and use of a building or an addition to an existing building, or a public service corporation or for public utility purposes, in any zoning district to a greater height or of a larger area than the district requirements herein established.
- 18.5.2.3. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
- 18.5.2.4. Permit such modification of the area, width, lot size, setback and density regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics that it cannot otherwise be improved without such modification.
- 18.5.2.5. Permit temporary buildings and uses for periods not to exceed two (2) years, which may be renewed upon request for not more than one (1), one (1) year period.

18.5.3. Where owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the spirit of this Ordinance, will assure that public health, safety and welfare is secured and substantial justice done. No such variance or modification of the use provisions of this Ordinance shall be granted unless all of the following facts and conditions exist:

- 18.5.3.1. There are exceptional or extraordinary circumstances or conditions applicable to the property or to its use that do not apply generally to other properties or uses in the same district.
- 18.5.3.2. Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.
- 18.5.3.3. The granting of the variance will relate only to the property under control of the appellant.
- 18.5.3.4. The granting of the variance will not adversely affect the purposes or objectives of the Zoning Plan of the County.
- 18.5.3.5. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to

SECTION 18.8. FEES

The County Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Board of Appeals. At the time notice for appeal is filed, said fee shall be paid to the Zoning Office

ARTICLE 19.

AMENDMENTS

SECTION 19.1. AMENDMENT TO THIS ORDINANCE

The County Board of Commissioners is authorized and empowered to cause this ordinance to be amended, supplemented or changed, pursuant to the authority and according to the procedures set forth in Act 183 of the Public Acts of 1943, as amended. Proposals for amendments may be initiated by the County Board of Commissioners, the County Zoning Commission or by petition of twenty-five (25) owners in Cheboygan County affected by such proposed amendment.

SECTION 19.2. PROCESSING OF AMENDMENT

The procedure for amending this ordinance shall be as follows:

1. Each petition shall be submitted to the Zoning Administrator accompanied by the proper fee, and then referred to the Zoning Commission at the next regularly scheduled meeting or at a special meeting called for such purpose.
2. The Zoning Commission shall conduct a public hearing, the notice of which shall be given by two publications in a newspaper of general local circulation. Said newspaper notice shall be published the first (1st) time not more than thirty (30) days nor less than twenty (20) days prior to the proposed hearing, and the second newspaper notice not more than eight (8) days prior to the hearing date.
3. If the property involved adjoins another unit of government, the proper officials are to be given notice of the public hearing at a reasonable time before the public hearing date and shall also be given an opportunity to comment on any coordinated action or review deemed necessary.
4. In rezoning matters, notices of the public hearing shall be mailed by first class mail to property owners, as reflected on the county's tax roll, or tenants of property which lies within 500 feet of property to be rezoned. If any property within 500 feet of the property to be rezoned is located in the Natural Rivers Protection District, notice of the hearing shall also be mailed to the Natural Rivers Unit of the Michigan Department of Natural Resources, Land Resource Programs Division.
5. For property located within a designated High Risk Erosion Area in the Lake and Stream Overlay District, notice of the hearing shall be given to the Michigan Department of Natural Resources, Land Resources Programs Division, Shorelands Section.

6. Following the public hearing, the Zoning Commission shall transmit its recommendations to the County Board of Commissioners. The Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request for a hearing prior to the regular meeting at which the proposed amendment is to be considered.
7. No petition for rezoning, which has been disapproved by the County Board of Commissioners, shall be submitted for a period of one year from the date of disapproval except as permitted by the Board after becoming aware of new evidence which may result in approval upon re-submittal.

ARTICLE 20.

ENACTMENT & EFFECTIVE DATE

SECTION 20.1. ENACTMENT & EFFECTIVE DATE

The foregoing zoning ordinance and zoning maps were adopted at a meeting of the Cheboygan County Board of Commissioners, on 1982, after approval of the same by the Cheboygan County Planning Commission following a public hearing on 23 August 1982. Notice of adoption was ordered published in a newspaper having general circulation in Cheboygan County and said ordinance shall become effective 30 days after the date of such publication.

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